

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Env-C 602 FINES RELATING TO PUBLIC DRINKING WATER SUPPLIES

Statutory Authority: RSA 485:58

Env-C 602.01 Definitions.

(a) For any terms defined in RSA 485 or Env-Ws 300, the definitions contained therein shall apply to these rules.

(b) The following definitions shall also apply:

(1) "Annually" means once per federal fiscal year.

(2) "Federal fiscal year" means the time interval from October 1 through the following September 30.

Source. #4655, eff 7-27-89; ss by # 5265, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 602.015 Fines Relating to Public Water Systems Serving Over 10,000 Persons. Notwithstanding any other provision in Env-C 602, the fine for a public water system serving more than 10,000 persons shall be the greater of the fine specified in Env-C 602 or \$1,000 per day per violation.

Source. #7235, eff 4-25-00

Env-C 602.02 Fines Relating to Env-Ws 300 through Env-Ws 309. For violations of Env-Ws 300 through Env-Ws 309, the amount of the administrative fine shall be as follows:

(a) For failing to complete a water system study as required by Env-Ws 303.12, \$100 for each calendar month or portion thereof that the system owner fails to complete the study;

(b) For failing to respond to a written request for descriptive data as required by Env-Ws 303.13, \$100;

(c) For failing to keep records for the length of time specified in Env-Ws 304, \$100 per record category;

(d) For using paint, coating or sealing materials in contact with potable water and for use of process chemicals that are not approved in accordance with the requirements of Env-Ws 305, \$500 per usage;

(e) For using lead pipe, lead solder, or lead flux in violation of Env-Ws 305.20, \$1,000 per usage.

Source. #4655, eff 7-27-89; ss by #4732, eff 1-22-90; ss by #5265, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 602.03 Fines Relating to Monitoring, Reporting and Compliance. The amount of the administrative fine for violations of monitoring, reporting, and compliance requirements as specified in Env-Ws 320 through Env-Ws 329, Env-Ws 380 and Env-Ws 381 shall be:

(a) For failing to submit required water quality samples or sample data for bacteria as required by Env-Ws 325.01 through Env-Ws 325.15, \$100 per sample for the first violation within each federal fiscal year and \$200 per sample for each subsequent violation within that fiscal year;

(b) For failing to submit required water quality samples or sample data for water chemistry parameters as required by Env-Ws 325.30 through Env-Ws 325.81, Env-Ws 326, Env-Ws 327, Env-Ws

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328, and Env-Ws 329, \$100 per sample for the first violation within each federal fiscal year and \$200 per sample for each subsequent violation within that fiscal year;

(c) For failing to submit required water quality samples or sample data for the parameters listed in Env-Ws 380 regarding surface water filtration, \$100 per sample for the first violation within each federal fiscal year and \$200 per sample for each subsequent violation within that fiscal year;

(d) For failing to submit required water quality samples or sample data for lead, copper, and other water quality parameters as required pursuant to Env-Ws 381, \$100 per sample for the first violation and \$200 per sample for each subsequent violation per round of sample testing as defined in Env-Ws 381.15 through Env-Ws 381.18;

(e) For knowingly submitting false or misleading information required to be submitted pursuant to Env-Ws 320 through Env-Ws 329, Env-Ws 380 and Env-Ws 381, \$2,000 per submittal; and

(f) For recklessly or negligently submitting false or misleading information required to be submitted pursuant to Env-Ws 320 through Env-Ws 329, Env-Ws 380 and Env-Ws 381, \$1,000 per submittal.

Source. #4655, eff 7-27-89; ss by #5265, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #6352, eff 10-5-96; ss by #7204, eff 2-24-00

Env-C 602.04 Fines Relating to Public Notification and Public Education. The amount of the administrative fine for violations of requirements regarding public notification, as specified in Env-Ws 350 through Env-Ws 359, and public education, as specified in Env-Ws 381.14, shall be:

(a) For failing to provide public notice as required by Env-Ws 350 through Env-Ws 359, \$2,000 per event when related to offering drinking water that exceeds the acute microbiological contaminant MCLs as specified in Env-Ws 315.01 and the nitrate/nitrite inorganic contaminant MCLs as specified in Env-Ws 316.01;

(b) For failing to provide public notice as required by Env-Ws 350 through Env-Ws 359, \$1,000 per event if relating to any of the following:

- (1) An exceedence of a long term health MCL;
- (2) A violation of a non-acute health-related treatment requirement;
- (3) An exceedence of an action level;
- (4) A major monitoring/reporting violation as defined in Env-Ws 351; or
- (5) Failing to submit monitoring samples as required by Env-Ws 320 through Env-Ws 329.

(c) For failing to provide public notice as required by Env-Ws 350 through Env-Ws 359 for any matter not otherwise covered in (a) or (b), \$500 per event.

Source. #4655, eff 7-27-89; ss by #5266, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #6352, eff 10-5-96; ss by #7204, eff 2-24-00

Env-C 602.05 Fines Relating to Cross-Connection. The amount of the administrative fine for violations of the requirements of Env-Ws 364 relating to cross-connection control shall be:

(a) For failing to have an approved cross-connection control program as required by Env-Ws 364, \$1,000 per federal fiscal year or portion thereof for systems serving populations of 1,000 to 10,000

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persons, and \$2,000 per federal fiscal year or portion thereof for systems serving populations of over 10,000 persons;

(b) For failing to respond to a situation having immediate potential to allow backflow to occur in violation of Env-Ws 364.04(c), \$1,000 per calendar month or portion thereof that the situation is not addressed so as to eliminate the potential for backflow;

(c) For failing to inspect and test backflow prevention devices located in high hazard situations at least every 6 months as required by Env-Ws 364.04(c)(3), \$500 per 6-calendar-month period during which an inspection and test is not conducted; and

(d) For failing to ensure that a certified inspector performs all inspections of cross-connection control devices as required by Env-Ws 364.04(c)(4), \$250 per inspection done by an uncertified inspector.

Source. #4655, eff 7-27-89; ss by #5376, eff 4-17-92; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 602.06 Fines Relating to Operator Certification. The amount of the administrative fine for violations of the requirements of Env-Ws 367 operator certification shall be:

(a) For failing to have a certified operator as required by Env-Ws 367 for a public community or non-transient non-community water system, \$200 per 3-calendar-month period or portion thereof for systems serving populations of 25 to 500 persons, and \$500 per 3-calendar-month period or portion thereof for systems serving populations of over 500 persons.

Source. #4655, eff 7-27-89; ss by #5265, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 602.07 Fines Relating to Operation of Public Water Systems. The amount of the administrative fine for violations of Env-Ws 360 through Env-Ws 369 concerning operations of a public water system shall be:

(a) For failing to provide updated administrative information to the division when there is a change of water system staff or firms providing service to the system within 10 days following the change as required by Env-Ws 360.02, \$100;

(b) For failure by the previous owner to provide notice to the division of the anticipated sale of a public water system at least one calendar month before the anticipated sale date as required by Env-Ws 360.02(d), \$100;

(c) For failure by the new owner of a public water system to provide notice to the division of the change in ownership within 10 days after the sale as required by Env-Ws 360.02(d), \$100;

(d) For not having an operations manual for a new water system prior to the initial date of start-up or when ownership is transferred as required by Env-Ws 360.04, \$500;

(e) For failing to provide customer notice of planned water supply outages as required by Env-Ws 360.09, \$500 per planned outage;

(f) For failing to repair a public water system as required by Env-Ws 360.10, \$2,000 per 36-hour period or portion thereof that the system is not repaired;

(g) For not taking proper health-related action after a mechanical failure, water main break, power failure, or unexplained change in the water quality in the distribution system as required by Env-Ws 360.11, \$500 per event;

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(h) For failing to have a maintenance schedule for functional components of the system as required in Env-Ws 362.02, \$100 per calendar month or portion thereof that a schedule is not in place;

(i) For failing to conduct a periodic flushing program as required by Env-Ws 362.40, \$200 per 12-calendar-month period in which the system is not flushed;

(j) For failing to have written policy that establishes the extent of the water system responsibility for maintenance of customer service lines as required by Env-Ws 362.42, \$100 per 3-calendar-month period or portion thereof that the policy is not in place;

(k) For failing to annually update the overall water distribution map, failing to annually update the detailed dimensional records of specific appurtenances, or failing to submit an updated copy of the distribution plan to the division once every 5 years as required by Env-Ws 362.43, \$100 per update not submitted;

(l) For failing to have an emergency plan as required by Env-Ws 365.01, \$1,000 per federal fiscal year or portion thereof for systems serving populations of 501 to 5,000 persons, and \$2,000 per federal fiscal year or portion thereof for systems serving populations of over 5,000 persons; and

(m) For failing to provide notice to the division of the change in possession or management when a water system is in the possession of, or under management by, a mortgagee-in-possession, asset management company, bankruptcy trustee, or other entity, until the future ownership is determined as required by Env-Ws 360.03, \$100.

Source. #4655, eff 7-27-89; EXPIRED 7-27-95

New. #5861, eff 7-1-94; amd by #6352, eff 10-5-96; ss by #7204, eff 2-24-00

Env-C 602.08 Fines Relating to Design and Construction of Small Water Systems. The amount of the administrative fine for violations of the requirements relating to small system design criteria shall be:

(a) For operating a public water system that does not have design approval from the division as required by Env-Ws 372, \$1,000 for a community water system, and \$500 for a non-community non-transient water system;

(b) For beginning construction of a new public water supply after the lapse of the design approval as prohibited by Env-Ws 372.02(f), \$500;

(c) For connecting or activating a new source or reactivating a previously deactivated source into a public water system in violation of Env-Ws 372 or Env-Ws 378, \$1,000 per source connected, activated, or reactivated, as applicable;

(d) For failure of a community water system with over 30 service connections to have a minimum of 2 wells as required by Env-Ws 372.10(b), \$1,000 per 4-calendar-month period or portion thereof that at least 2 wells are not available;

(e) For falsifying well test data submitted pursuant to Env-Ws 372.14 or Env-Ws 378, \$2,000 per item falsified;

(f) For failure of a community water system or a non-transient non-community water system whose reliability is directly important to the public health, as specified in Env-Ws 372.17, to have the minimum water storage capacity as required by Env-Ws 372.17, \$500 per 3-calendar-month period or portion thereof that the minimum storage capacity is not provided;

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(g) For failure of a community water system or a non-transient non-community water system whose reliability is directly important to the public health, as specified in Env-Ws 372.17, to have duplicate booster pumps installed as required by Env-Ws 372.19, \$500 per calendar month or portion thereof that the duplicate pump is not installed;

(h) For failing to construct a pump station facility in accordance with the requirements of Env-Ws 372.20, \$2,000;

(i) For failing to have an alarm system that activates upon the failure of a pump or low tank level or that can be monitored by nearby occupied residences or other locations as required by Env-Ws 372.21, \$500 per calendar month or portion thereof that the alarm system is not active;

(j) For failure of a community or non-transient non-community water system important to public health, as specified in Env-Ws 372.17, to install a water meter on each incoming source line as required by Env-Ws 372.21.(c), \$100 per calendar month or portion thereof that the meter is not installed;

(k) For failing to have a water pressure gauge for the water system as required by Env-Ws 372.21(d), \$100 per calendar month or portion thereof that the water pressure gauge is not installed;

(l) For failing to have the components in a water system that enable the system to receive an immediate addition of a disinfectant as required by Env-Ws 372.21(f), \$500 per calendar month or portion thereof that the system is not capable of receiving an immediate addition of disinfectant;

(m) For failing to use an oil-less type of air compressor when the air will be in contact with drinking water as required by Env-Ws 372.21(h), \$200 per calendar month or portion thereof that the proper type of compressor is not installed;

(n) For not having separate sampling taps for each source as required by Env-Ws 372.22(e), \$100 per source for each calendar month or portion thereof that the taps have not been installed;

(o) For failing to have an air tube or alternative provisions for electronic drawdown probes installed in the well as required by Env-Ws 372.22(f), \$100 per 2-calendar-month period or portion thereof that the tube or alternative provision is not installed;

(p) For failing to provide a passive cathodic protection system for all newly-installed, buried, steel water storage tanks as required by Env-Ws 372.23(c), \$500 per 2-calendar-month period or portion thereof that the cathodic protection system is not installed;

(q) For failing to have a capped filler pipe for community water systems as required by Env-Ws 372.23(d), \$100 per calendar month or portion thereof that the filler pipe is not capped;

(r) For failure of the water system's wiring and electrical circuits to conform to the requirements of Env-Ws 372.24, \$300 per 2-calendar-month period or portion thereof that the wiring and electrical circuits do not conform;

(s) For failing to submit certification as to the quality of distribution piping by a qualified third party inspector as required by Env-Ws 372.25, \$2,000;

(t) For failure of the water distribution system to meet the water pressure requirements specified in Env-Ws 372.26(a) and Env-Ws 372.26(b):

(1) If the water pressure is inadequate due to equipment malfunction, \$300 per 3-calendar-day period or portion thereof that the water pressure is inadequate; and

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(2) If the water pressure is inadequate due to causes requiring distribution piping repair or replacement, construction of a booster station, or additional water storage tanks, \$500 per 4-calendar-month period or portion thereof that the water pressure is inadequate;

(u) For failing to install gate valves according to the approved design as required by Env-Ws 372.01 and Env-Ws 372.02 or as directed by the division pursuant to Env-Ws 372.26(c), \$300 per 3-calendar-month period or portion thereof that the gate valves are not properly installed;

(v) For failing to install blow-offs according to the approved design as required by Env-Ws 372.01 and Env-Ws 372.02 or as directed by the department pursuant to Env-Ws 372.26(d), \$300 per 3-calendar-month period or portion thereof that the blow-offs are not properly installed;

(w) For not providing a metal tracing element above non-metal piping as required by Env-Ws 372.26(k), \$100 for less than 100 feet of piping, \$200 for 100 feet to 1,000 feet of piping, and \$500 for more than 1,000 feet of piping;

(x) For failing to submit a record drawing of components of a community water system as required by Env-Ws 372.27, \$500 per federal fiscal year or portion thereof for community water supply systems and \$250 per federal fiscal year or portion thereof for non-community water supply systems; and

(y) For failing to have a new system inspected prior to providing service as required by Env-Ws 372.28, \$500.

Source. #4834, eff 6-4-90; ss by #5265, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 602.09 Fines Relating to Design and Construction of Water Systems. The amount of the administrative fine for failing to properly construct a system as required by Env-Ws 370, Env-Ws 373, Env-Ws 375, Env-Ws 376 and Env-Ws 377 shall be calculated in accordance with Env-C 610.

Source. #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 602.10 Other Fines Relating to Public Water Systems. The amount of the administrative fine for other violations relating to public water systems shall be:

(a) For failing to operate a treatment process in such a way as to prevent an acute MCL violation, as specified in Env-Ws 315.01 for microbiological contaminants and Env-Ws 316.01 for nitrate and nitrite, or for operating contrary to Env-Ws 360 through Env-Ws 365 in a manner likely to allow the occurrence of an acute MCL violation, \$2,000;

(b) For failing to operate a treatment process in such a way as to prevent a violation of an MCL as specified in Env-Ws 315 through Env-Ws 317, or the exceedence of an action level as specified in Env-Ws 381, or an MCL violation caused by failing to sample, \$1,500;

(c) For failing to operate a treatment process in such a way as to prevent a violation of an SMCL as specified in Env-Ws 319.01, \$500;

(d) For failing to pay the fee for the permit to operate as required in RSA 485:41, VIII and Env-Ws 303.03, \$500 per year for community water systems and \$300 per year for non-transient non-community water systems;

(e) For failing to respond to a deficiency identified as significant in a sanitary survey pursuant to Env-Ws 306.01(d) or (e) which is not otherwise addressed in these rules, \$300 per calendar month or portion thereof that the deficiency is not corrected;

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(f) For failing to comply with an order issued pursuant to RSA 485:4 or RSA 485:58, \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with;

(g) For failing to take the appropriate short- and/or long-term actions as required by Env-Ws 360.13 when customer demand for water exceeds the supply capability of the water system as defined in Env-Ws 373.05:

(1) For required short-term actions, \$500 per 24-hour period or portion thereof that demand exceeds capacity; and

(2) For required long-term actions, \$2,000 per 6-calendar-month period or portion thereof that demand exceeds capacity;

(h) For failing to provide bottled water in any of the following circumstances, \$100 per situation:

(1) The water system fails to meet the specified inorganic, organic, or radiological MCL as required by Env-Ws 310.02(d);

(2) When necessary as a condition of a variance as required by Env-Ws 342.17(d);

(3) When necessary as a condition for an exemption as required by Env-Ws 343.17; or

(4) When necessary as a condition for a variance or exemption as required by Env-Ws 381.34.

Source. #5861, eff 7-1-94; amd by #6352, eff 10-5-96; ss by #7204, eff 2-24-00

Env-C 602.11 Fines Relating to Corrosion Control Treatment Requirements. For those systems required to achieve compliance with the lead or copper action level, the amount of the administrative fine for violations of the requirements relating to corrosion control treatment shall be:

(a) For failing to make a recommendation of the optimal corrosion control treatment within 6 months of the first violation at the system in accordance with Env-Ws 381.08 or Env-Ws 381.09, \$500 per calendar month or portion thereof that the recommendation is late;

(b) For failing to complete corrosion control studies within 18 months after such studies are required by Env-Ws 381.08 or Env-Ws 381.09, \$500 per calendar month or portion thereof the study is not completed;

(c) For failing to properly install or operate the optimal corrosion control treatment designated by the division pursuant to Env-Ws 381.10(b) as required by Env-Ws 381.10(c), \$1,000 per 2-calendar-month period or portion thereof that the control treatment is not installed or operated;

(d) For failing to implement all applicable source water treatment requirements specified in Env-Ws 381.11 and Env-Ws 381.12, \$1,000 per applicable treatment requirement; and

(e) In those systems exceeding the lead action level after implementation of applicable corrosion control and source water treatment, for failing to replace lead service lines as required by Env-Ws 381.13, \$1,000 per calendar month or portion thereof that the lead service lines are not replaced.

Source. #6352, eff 10-5-96; ss by #7204, eff 2-24-00

PART Env-C 603 FINES RELATING TO SURFACE WATER QUALITY AND POLLUTION CONTROL

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Env-C 603.01 Definitions. Any term used in these rules shall have the same meaning as in the statute or rule to which the fine relates.

Source. #5267, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 603.02 Fines Relating to Alteration of Terrain. For violations relating to RSA 485-A:17, Env-Ws 415, RSA 483-B, and Env-Ws 1400 regarding alteration of terrain, the amount of the administrative fine shall be as follows:

(a) For construction, earth moving or other activities resulting in the significant alteration of 100,000 sq. ft. or greater of the terrain without a permit, if:

- (1) The activities have not caused a water quality violation, \$1,500; and
- (2) The activities have caused a water quality violation, \$2,000;

(b) For construction, earth moving or other activities for which a permit has been obtained but which is not in conformance with the conditions of the permit, if:

- (1) The activities have not caused a water quality violation, \$750; and
- (2) The activities have caused a water quality violation, \$1,250;

(c) For construction, earth moving or other activities in or on the border of any surface water of the state resulting in the significant alteration of less than 100,000 sq. ft. of terrain for which a general permit was not obtained, if:

- (1) The activities have not caused a water quality violation, \$500; and
- (2) The activities have caused a water quality violation, \$1,000;

(d) For construction, earth moving or other activities resulting in the alteration of terrain resulting in a water quality violation and not included in paragraphs (a) through (c) of this section, \$1,000;

(e) For a violation of the best management practices requirements of a permit obtained pursuant to Env-Ws 415.04 for timber harvesting operations, if:

- (1) No water quality violations are caused, \$500; and
- (2) Water quality violations are caused, \$1,000;

(f) For a violation of the best management practices requirements in a timber harvesting operation where a permit was not obtained pursuant to Env-Ws 415.04, if:

- (1) No water quality violations are caused, \$750; and
- (2) Water quality violations are caused, \$1,250;

(g) For construction, earth moving or other activities resulting in the significant alteration of 50,000 sq. ft. or greater of the terrain within the protected shoreland without a permit, if:

- (1) The activities have not caused a water quality violation, \$3,000; and
- (2) The activities have caused a water quality violation, \$3,500;

(h) For construction, earth moving or other activities within the protected shoreland for which a permit has been obtained but which is not in conformance with the conditions of the permit, if:

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- (1) The activities have not caused a water quality violation, \$2,000; and
 - (2) The activities have caused a water quality violation, \$2,500; and
- (i) For failing to design and construct new structures to prevent erosion of exposed soils, if:
- (1) The activities have not caused a water quality violation, \$1,000; and
 - (2) The activities have caused a water quality violation, \$1,500.

Source. #5267, eff 10-31-91; ss by #5861, eff 7-1-94; and by #6382, eff 11-26-96; ss by #7204, eff 2-24-00

Env-C 603.03 Fines Relating to Construction and Operation of Sewerage and Wastewater Treatment Facilities. For violations relating to construction and operation of sewerage and wastewater treatment facilities, the amount of the administrative fine shall be as follows:

- (a) For failing to submit plans and specifications and secure approval thereof in accordance with RSA 485:8, V and Env-Ws 702.01, \$2,000;
- (b) For failing to secure a sewer connection permit as required by Env-Ws 706.08, \$1,000;
- (c) For failing to construct a facility in accordance with approved plans and specifications, \$2,000 per unapproved element;
- (d) For failing to operate a wastewater treatment facility under the supervision of an operator certified pursuant to RSA 485-A:5-a, \$300 per calendar day in which the failure occurs; and
- (e) For failing to comply with any design standard specified in Env-Ws 700, resulting in a discharge of sewage, \$2,000 per 5,000 gallons or portion thereof discharged or \$2,000 per hour or portion thereof that sewage is discharged, whichever is greater.

Source. #5267, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 603.04 Fines Relating to Pretreatment of Wastewater. For violations relating to pretreatment of wastewater, the amount of the administrative fine shall be as follows:

- (a) For violating RSA 485-A:5, I by discharging to a non-federal publicly owned treatment works (POTW) any waste that does not comply with all applicable pretreatment standards, \$1,000;
- (b) For violating RSA 485-A:5, III by permitting the discharge to a POTW of waste that does not comply with the state-approved pretreatment standards, \$500;
- (c) For failing to implement a monitoring program to assure compliance with all applicable pretreatment standards if required pursuant to RSA 485-A:5, V, \$500 per 6-calendar-month period or portion thereof that the monitoring program is not in place after the deadline specified in a written notice from the department that the monitoring program is required;
- (d) For failing to include state-approved pretreatment limits in a sewer use ordinance as required by Env-Ws 904.04, \$2,000;
- (e) For granting a waiver from the pretreatment standards without the approval of the division as required by Env-Ws 904.07, \$1,000 per standard waived; and
- (f) For failing to require an indirect discharger to obtain a discharge permit from the municipality as required by Env-Ws 904.04(h), \$2,000.

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[Source.](#) #5267, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 603.05 Fines Relating to Surface Water Discharges. For violations relating to surface water discharges, the amount of the administrative fine shall be as follows:

(a) For discharging sewage or other wastes to surface waters or groundwater of the state without first obtaining a state permit as required by RSA 485-A:13, I(a), \$2,000 per 5,000 gallons or portion thereof discharged or \$2,000 per hour or portion thereof that the sewage or other wastes are discharged, whichever is greater;

(b) For failing to provide to the division information pertaining to the facility's discharge as required by RSA 485-A:18, II, \$500 per calendar week or portion thereof that the information is late;

(c) For knowingly submitting false, incomplete or inaccurate discharge monitoring reports, \$2,000 per report;

(d) For recklessly or negligently submitting false, incomplete or inaccurate discharge monitoring reports, \$1,000 per report;

(e) For failing to comply with the conditions and requirements of a state surface water discharge permit, \$1,000 per calendar month or portion thereof that a condition or requirement is not met for each condition or requirement not met;

(f) For failing to provide notice of a bypass or upset at a wastewater treatment facility to downstream publicly or privately owned water systems as required by RSA 485-A:13, I(c), \$2,000;

(g) For failing to provide back-up or auxiliary facilities necessary to achieve compliance with the conditions of the state permit, the fine shall be \$2,000 per calendar month or portion thereof that such facilities are not provided after:

(1) A discharge that would have been prevented had the facilities been available; or

(2) The facility is specifically notified in writing by the department of the need to provide such facilities;

(h) For failing to monitor the parameters specified in a state surface water discharge permit in accordance with the procedures outlined, and at the frequency specified, in the state permit, the fine shall be \$2,000 per parameter not monitored per monitoring period;

(i) For failing to sample at the location specified in a state surface water discharge permit, the fine shall be \$1,000 per sample; and

(j) For refusing to allow the department to have access to all records required to be maintained, the fine shall be \$1,000 per written request for access that is denied.

[Source.](#) #5267, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 603.06 Fines Relating to Septage Management. For violations relating to management of septage, the amount of the administrative fine shall be as follows:

(a) For knowingly submitting false or misleading information relating to any application for a permit or waiver request, \$2,000 per submittal;

(b) For recklessly or negligently submitting false or misleading information relating to any application for a permit or waiver request, \$1,000 per submittal;

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- (c) For failing to obtain a hauler's permit prior to engaging in the hauling of septage as required by Env-Ws 1604.01(a), \$1,000 per load hauled without a permit;
- (d) For failing to obtain a site or facility permit prior to managing septage as required in Env-Ws 1604.02, \$2,000 per calendar month or portion thereof that septage is managed without the proper permit;
- (e) For failing to comply with conditions of any permit issued pursuant to Env-Ws 1604.02, the fine shall be calculated in accordance with Env-C 610;
- (f) For failing to retain a permit in a vehicle used to haul septage as required by Env-Ws 1605.10, \$100 per load hauled without the permit in the vehicle;
- (g) For failing to maintain each vehicle and tank used in the hauling of septage in accordance with the requirements of Env-Ws 1605.07, \$1,000 per vehicle or tank not maintained;
- (h) For dumping septage loads at a location not approved by the department or EPA, \$2,000 per load;
- (i) For disposing of septage by land application in violation of Env-Ws 1607, \$1,500 per disposal event;
- (j) For knowingly reporting false or misleading information or failing to declare the quantity, source, or characteristics of septage to the owner or operator of a site, facility, or wastewater treatment plant, \$2,000 per load;
- (k) For recklessly or negligently reporting false or misleading information or failing to declare the quantity, source, or characteristics of septage to the owner or operator of a site, facility, or wastewater treatment plant, \$1,000 per load;
- (l) For failing to maintain records of each load of septage as required by Env-Ws 1605.10, \$500 per load;
- (m) For failing to register with the division all septage storage tanks in accordance with Env-Ws 1606, \$500 per tank;
- (n) For failing to submit an annual report within the time limits specified in Env-Ws 1607.12(b) and Env-Ws 1608.12(b), \$500 per calendar month or portion thereof the report is late;
- (o) For failing to submit all of the information required in the annual report in accordance with Env-Ws 1607.12(b) and Env-Ws 1608.12(a), \$500 per report;
- (p) For failing to comply with any of the requirements of Env-Ws 1607.08, land application standards, the fine shall be calculated in accordance with Env-C 610; and
- (q) For failing to comply with any of the requirements of Env-Ws 1607.09, septage storage, the fine shall be calculated in accordance with Env-C 610.

Source. #5267, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 603.07 Fines Relating to Sludge Management. For violations relating to management of sludge, the amount of the administrative fine shall be as follows:

- (a) For knowingly submitting false or misleading information relating to any application for a permit or waiver request, \$2,000 per submittal;

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- (b) For recklessly or negligently submitting false or misleading information relating to any application for a permit or waiver request, \$1,000 per submittal;
- (c) For failing to obtain a hauler's permit prior to engaging in the hauling of sludge as required by Env-Ws 804.01(a), \$1,000 per load hauled without a permit;
- (d) For failing to obtain a site or facility permit prior to managing sludge as required by Env-Ws 804.02, \$2,000 per calendar month or portion thereof that sludge is managed without the proper permit;
- (e) For failing to obtain a sludge quality certification prior to managing sludge as required by Env-Ws 804.03, \$2,000 per calendar month or portion thereof that sludge is managed without a sludge quality certification;
- (f) For failing to comply with conditions of any permit issued pursuant to Env-Ws 804, the fine shall be calculated in accordance with Env-C 610;
- (g) For failing to maintain each vehicle and container used in the hauling of sludge in accordance with the requirements of Env-Ws 805.07, \$1,000 per vehicle or container;
- (h) For dumping sludge loads at a location not approved by the department or EPA, \$2,000 per load;
- (i) For disposing of sludge by land application in violation of Env-Ws 806, \$1,500 per disposal event;
- (j) For knowingly reporting false or misleading information or failing to declare the quantity, source or characteristics of sludge to the owner or operator of a site, facility, or wastewater treatment plant, \$2,000 per load;
- (k) For recklessly or negligently reporting false or misleading information or failing to declare the quantity, source or characteristics of sludge to the owner or operator of a site, facility, or wastewater treatment plant, \$1,000 per load;
- (l) For failing to maintain records of each load of sludge as required by Env-Ws 805.10, \$500 per load;
- (m) For failing to submit an annual report within the time limits specified in Env-Ws 806.12(b) and Env-Ws 808.12(b), \$500 per calendar month or portion thereof the report is late;
- (n) For failing to submit all of the information required in the annual report in accordance with Env-Ws 806.12 and 808.12, \$500 per report;
- (o) For failing to comply with any of the requirements of Env-Ws 806.08, land application standards, the fine shall be calculated in accordance with Env-C 610; and
- (p) For failing to comply with any of the requirements of Env-Ws 806.09, sludge stockpiling, the fine shall be calculated in accordance with Env-C 610.

Source. #5267, eff 10-31-91; ss by #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 603.08 Other Fines Relating to Protection of Water Quality.

- (a) For failing to comply with the requirements of an administrative order issued pursuant to RSA 485-A:22, the fine shall be \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order not complied with.

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(b) For putting or placing or causing to be put or placed, any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, tires, old automobiles or parts thereof, trees or similar litter into a surface water of the state or on the ice over such waters or on the banks of such waters in violation of RSA 485-A:15, I, the fine shall be \$500 per calendar day or portion thereof that an item remains in the surface water, on the ice over the surface water, or on the banks of the surface water.

(c) For violating any surface water quality standard specified in RSA 485-A:8, Env-Ws 430, or Env-Ws 1700, the fine shall be \$2,000 per violation for each parameter violated.

[Source.](#) #7204, eff 2-24-00

Env-C 603.09 Fines Relating to Construction and Operation of Public Bathing Facilities. For violations relating to construction and operation of public bathing facilities, the amount of the administrative fine shall be as follows:

(a) For failing to submit plans and specifications and secure approval thereof in accordance with RSA 485-A:26 and Env-Ws 1105 prior to initiating construction of a public bathing facility, \$2,000;

(b) For failing to construct a facility in accordance with approved plans and specifications, \$1,000 per unapproved element;

(c) For failing to operate components of an approved facility in such a way as to prevent water quality violations as specified in Env-Ws 1103.14, \$1,000 per water quality violation;

(d) For failing to keep records as required by Env-Ws 1104.01, \$100 per record for the first violation and \$500 per record for each subsequent violation;

(e) For failing to comply with an administrative order issued pursuant to RSA 485-A:22, III, \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with;

(f) For failing to construct a public bathing facility in accordance with approved plans and Env-Ws 1105, \$2,000 per unapproved element;

(g) For knowingly submitting false or misleading information relating to any application for approval or request for waiver, \$2,000 per submittal; and

(h) For recklessly or negligently submitting false or misleading information relating to any application for approval or request for waiver, \$1,000 per submittal.

[Source.](#) #7204, eff 2-24-00

Env-C 603.10 Fines Relating to Activities Associated with Prohibited Exotic Aquatic Plants. For violations relating to the sale, distribution, importation, purchase, propagation, or introduction into the state of any exotic aquatic plant listed as prohibited in Env-Ws 1303.01, the amount of the administrative fine shall be as follows:

(a) For selling any prohibited exotic aquatic plant after being informed by the department in writing of the prohibition or otherwise being on notice of the prohibition, \$1,000 per month or portion thereof in which any plants continue to be sold;

(b) For distributing any prohibited exotic aquatic plant after being informed by the department in writing of the prohibition or otherwise being on notice of the prohibition, \$1,000 per month or portion thereof in which any plants continue to be distributed;

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(c) For importing any prohibited exotic aquatic plant into the state after being informed by the department in writing of the prohibition or otherwise being on notice of the prohibition, \$1,000 per month or portion thereof in which any plants continue to be imported;

(d) For propagating any prohibited exotic aquatic plant after being informed by the department in writing of the prohibition or otherwise being on notice of the prohibition, \$1,000 per month or portion thereof in which any plants continue to be propagated;

(e) For purchasing any prohibited exotic aquatic plant after being informed by the department in writing of the prohibition or otherwise being on notice of the prohibition, \$100 per plant; and

(f) For entering into a restricted use area designated in accordance with Env-Ws 1304 for a purpose other than an emergency pursuant to Env-Ws 1304.07, \$100.

[Source.](#) #8047, eff 2-25-04

PART Env-C 604 FINES RELATING TO SUBDIVISIONS AND SEPTIC SYSTEMS

Statutory Authority: RSA 485-A:43, V; RSA 483-B:18

Env-C 604.01 Fines Relating to Subdivisions. For violations of RSA 485-A, Env-Ws 1000, RSA 483-B, and Env-Ws 1400 relating to subdivisions, the amount of the administrative fine shall be as follows:

(a) For commencing road construction on, clearing vegetation from, placing fill on or otherwise altering a parcel of land that is not within a protected shoreland area for which plans are required to be submitted pursuant to RSA 485-A:29 prior to obtaining approval of the subdivision plan, \$1,500 per event for an individual and \$2,000 per event for any other person;

(b) For advertising or selling lots for which plans are required to be submitted pursuant to RSA 485-A:29 prior to obtaining approval of the subdivision plan without complying with Env-Ws 1004.03, \$1,000 per advertisement published or lot sold, as applicable, for an individual and \$2,000 per advertisement published or lot sold, as applicable, for any other person;

(c) For knowingly submitting false or misleading information relating to any application for approval or request for waiver, \$2,000 per submittal;

(d) For recklessly or negligently submitting false or misleading information relating to any application for approval or request for a waiver, \$1,000 per submittal;

(e) For failing to comply with any requirement of an administrative order issued pursuant to RSA 485-A:42, \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with; and

(f) For commencing road construction on, clearing vegetation from, placing fill on or otherwise altering a parcel of land within a protected shoreland area for which plans are required to be submitted pursuant to RSA 483-B:9 prior to obtaining approval of the subdivision plan, \$3,000 per event.

[Source.](#) #5861, eff 7-1-94; amd by #6382, eff 11-26-96; ss by #7204, eff 2-24-00

Env-C 604.02 Fines Relating to Septic Systems. For violations of RSA 485-A, Env-Ws 1000, RSA 483-B:9, and Env-Ws 1400 relating to septic systems, the amount of the administrative fine shall be as follows:

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(a) For commencing construction of a building from which wastewater will be discharged without prior approval of the plans for the subsurface sewage disposal system, \$1,500 for an individual and \$2,000 for any other person;

(b) For commencing construction of a subsurface sewage disposal system without prior approval of the plans for the system, \$1,500 for an individual and \$2,000 for any other person;

(c) For submitting an application for approval of a subsurface sewage disposal system designed by a person other than a permitted designer or homeowner where the system is for the homeowner's own domicile, \$1,500 for an individual and \$2,000 for any other person;

(d) For knowingly submitting false or misleading information relating to any application for approval or request for waiver, \$2,000 per submittal;

(e) For recklessly or negligently submitting false or misleading information relating to any application for approval or request for a waiver, \$1,000 per submittal;

(f) For failing to request a final inspection prior to covering a subsurface sewage disposal system, \$2,000;

(g) For failing to wait for a requested final inspection prior to covering a subsurface sewage disposal system, \$2,000;

(h) For installing a subsurface sewage disposal system without having obtained a permit under RSA 485-A:36 by any person other than a homeowner installing the system for the homeowner's own domicile, \$2,000;

(i) For refusing to correct a defective installation of a subsurface sewage disposal system, \$1,000 for an individual and \$2,000 for any other person;

(j) For failing to install a subsurface sewage disposal system in strict accordance with the approved plans, \$1,000 for an individual and \$2,000 for any other person;

(k) For failing to discontinue installation of a subsurface sewage disposal system when the system cannot be installed according to the approved plan because the actual site conditions are not as represented on the plan, \$500 for an individual and \$1,000 for any other person;

(l) For covering a subsurface sewage disposal system while a "Do Not Backfill" order remains in effect, \$2,000;

(m) For using a permit number assigned to another without the permittee's knowledge, \$1,000 per usage for an individual and \$2,000 per usage for any other person;

(n) For using a permit number assigned to another with the permittee's knowledge, \$1,000 per usage each for the user and the permittee;

(o) For failing to properly maintain and operate a subsurface sewage disposal system, \$1,000;

(p) For using a subsurface sewage disposal system without obtaining approval for operation, \$1,000 for each calendar month or portion thereof that an individual continues such use after being informed in writing by the department that such use violates the law and \$2,000 for each calendar month or portion thereof that any other person continues such use after being informed in writing by the department that such use violates the law, for:

(1) Any system installed on an island after 1965;

(2) Any system installed within 1,000 feet of surface water after 1967; and

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(3) Any other system installed after 1969;

(q) For failing to comply with any requirement of an administrative order issued pursuant to RSA 485-A:42, \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with;

(r) For failing to provide a site assessment study in accordance with RSA 485-A:39, \$2,000; and

(s) For repairing or replacing a septic system in violation of Env-Ws 1003.10, \$1,000.

Source. #5861, eff 7-1-94; amd by #6382, eff 11-26-96;
ss by #7204, eff 2-24-00

PART Env-C 605 FINES RELATING TO THE WINNIPESAUKEE RIVER BASIN PROGRAM

Statutory Authority: RSA 485-A:54

Env-C 605.01 Definitions. For any term used in Env-C 605 which is defined in RSA 485-A or Env-Ws 1200, the definition stated therein shall apply to these rules.

Source. #5861, eff 7-1-94, ss by #6303, eff 7-26-96; ss
by #7204, eff 2-24-00

Env-C 605.02 Fines Relating to WRBP Treatment Facilities. For violations relating to facilities of the Winnepesaukee River Basin Program (WRBP) and discharges thereto, the amount of the administrative fine shall be as follows:

(a) For any discharge in violation of Env-Ws 1201.07 which requires the WRBP to exercise emergency authority, \$2,000 per discharge;

(b) For any discharge in violation of Env-Ws 1201.07 which causes damage or treatment plant process upset to any of the facilities of the WRBP, \$2,000 per discharge;

(c) For any discharge in violation of Env-Ws 1201.07 which causes injury to department personnel or any member of the public, \$2,000 per discharge;

(d) For any discharge in violation of Env-Ws 1201.07 which causes sludge toxicity, \$2,000 per discharge;

(e) For any discharge in violation of Env-Ws 1201.07 which causes pass-through in violation of NPDES or state permit requirements, \$2,000 per discharge;

(f) For any discharge in violation of Env-Ws 1201.07 which causes interference or disruption of plant processes or operations in violation of NPDES or state permit requirements, \$2,000 per discharge;

(g) For discharging restricted wastes as specified in Env-Ws 1201.07, \$2,000 per discharge; and

(h) For willfully damaging any WRBP facility in violation of Env-Ws 1201.07(e), \$2,000 per event.

Source. #5861, eff 7-1-94, ss by #6303, eff 7-26-96; ss
by #7204, eff 2-24-00

Env-C 605.03 Fines Relating to Permit Requirements. Fines relating to permit requirements shall be as follows:

(a) For significant noncompliance with IDP limits in violation of Env-Ws 1205.05(b)(3) or Env-Ws 1205.05(b)(5), \$500 per parameter per noncompliance event;

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(b) For failing to obtain an IDP or IDP modification in advance of a new or changed discharge as required by Env-Ws 1205.02(a) or Env-Ws 1205.06, \$2,000;

(c) For failing to maintain operating, analytical and instrumentation records, including log books, equipment maintenance, calibrations, and pretreatment notices as required by an IDP and Env-Ws 1205.05(b) and Env-Ws 1205.10, \$500 per record;

(d) For failing to take remedial actions required to prevent reoccurrence of any noncompliance in violation of Env-Ws 1205.11 or Env-Ws 1205.15, \$500 per noncompliance event for which remedial actions to prevent reoccurrence are not taken;

(e) For failing to adhere to the compliance schedule for installation of pretreatment or monitoring equipment as required by Env-Ws 1205.13, \$1,000 per deadline missed; and

(f) For failing to adhere to the compliance schedule for other than installation of pretreatment or monitoring equipment as required by Env-Ws 1205.13, \$200 per deadline missed per requirement.

Source. #5861, eff 7-1-94, ss by #6303, eff 7-26-96; ss by #7204, eff 2-24-00

Env-C 605.04 Fines Relating to Reporting Requirements. Fines relating to reporting requirements shall be as follows:

(a) For failing to file periodic reports required by an IDP and Env-Ws 1205.05, \$50 per calendar day for each day over 30 days late;

(b) For failing to notify the division of noncompliance with IDP effluent limits within 24 hours of becoming aware of such violation as required by Env-Ws 1205.11(a), \$500 per noncompliance event for which notice is not given within 24 hours;

(c) For failing to submit a written noncompliance report for noncompliance with IDP effluent limits to the division within 5 business days as required by Env-Ws 1205.11(a), \$200 per noncompliance event for which a written report is not submitted within 5 business days;

(d) For failing to notify the division of a slug discharge within 24 hours of becoming aware of such discharge as required by Env-Ws 1205.14 and Env-Ws 1205.15, \$1,000 per slug discharge for which notice is not given within 24 hours;

(e) For failing to submit a written report notifying the division of a slug discharge within 5 business days as required by Env-Ws 1205.15, \$1,000 per slug discharge for which a written report is not submitted within 5 business days;

(f) For failing to notify the division of a diversion or bypass of any discharge from pretreatment facilities within 24 hours of becoming aware of the event as required by Env-Ws 1205.14 and Env-Ws 1205.15, \$1,000 per diversion or bypass for which notice is not given within 24 hours;

(g) For failing to submit a written report notifying the division of a diversion or bypass of any discharge from pretreatment facilities within 5 business days as required by Env-Ws 1205.15, \$1,000 per diversion or bypass for which a written report is not submitted within 5 business days;

(h) For knowingly reporting information which is false or misleading in violation of Env-Ws 1205.09, \$2,000 per report; and

(g) For recklessly or negligently reporting information which is false or misleading in violation of Env-Ws 1205.09, \$2,000 per report.

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Source. #5861, eff 7-1-94, ss by #6303, eff 7-26-96; ss by #7204, eff 2-24-00

Env-C 605.05 Fines Relating to Sampling and Monitoring Requirements. Fines relating to sampling and monitoring requirements shall be as follows:

- (a) For failing to conduct monitoring as required by an IDP and Env-Ws 1205.05 for any parameter other than total toxic organics, \$500 per parameter per monitoring period;
- (b) For failing to conduct monitoring as required by an IDP and Env-Ws 1205.05 for total toxic organics, \$1,000 per parameter per monitoring period;
- (c) For failing to conduct resample procedures as required by the IDP and Env-Ws 1205.11(b) for any parameter other than total toxic organics, \$500 per parameter not resampled as required;
- (d) For failing to conduct resample procedures as required by the IDP and Env-Ws 1205.11(b) for total toxic organics, \$1,000 per parameter not resampled as required; and
- (e) For failing to provide information as required by Env-Ws 1201.08, \$200 per item not provided.

Source. #5861, eff 7-1-94, ss by #6303, eff 7-26-96; ss by #7204, eff 2-24-00

Env-C 605.06 Fines Relating to Septage Management. Fines relating to septage management shall be as follows:

- (a) For falsely declaring or failing to declare the quantity, source or characteristics of septage pumpage as required by Env-Ws 1201.06, \$2,000 per load;
- (b) For dumping septage loads in violation of Env-Ws 1201.06(f) and (g) which cause damage to the facilities, \$2,000 per load;
- (c) For dumping septage loads in violation of Env-Ws 1201.06(f) which cause injury to department personnel or to any member of the public, \$2,000 per load;
- (d) For dumping septage loads in violation of Env-Ws 1201.06(f) which cause sludge toxicity, \$2,000 per load;
- (e) For dumping septage loads in violation of Env-Ws 1201.06(f) which cause pass-through of contaminants or interference in violation of NPDES or state permit requirements, \$2,000 per load; and
- (f) For dumping septage loads at a location not approved by the WRBP in violation of Env-Ws 1201.06(e), \$2,000 per load.

Source. #5861, eff 7-1-94, ss by #6303, eff 7-26-96; ss by #7204, eff 2-24-00

Env-C 605.07 Other Fines Relating to the WRBP. Other fines relating to the WRBP shall be as follows:

- (a) For failing to return IDP questionnaires within 30 days as required by Env-Ws 1205.03(e), \$50 per calendar day late;
- (b) For failing to obtain a connection permit prior to connecting to a WRBP sewer as required by Env-Ws 1201.05(n), \$1,000 per connection;

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(c) For failing to comply with an order issued pursuant to RSA 485-A:54, \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with;

(d) For failing to install pretreatment and monitoring devices as required by Env-Ws 1201.05, \$1,000 per calendar month or portion thereof that the devices are not installed after the deadline specified in writing from the department;

(e) For knowingly submitting false or misleading information in connection with any application or waiver request or in any reports required by RSA 485-A:45-54 or Env-Ws 1200 to be submitted, \$2,000 per submittal; and

(f) For recklessly or negligently submitting false or misleading information in connection with any application or waiver request or in any reports required by RSA 485-A:45-54 or Env-Ws 1200 to be submitted, \$1,000 per submittal.

[Source.](#) #5861, eff 7-1-94, ss by #6303, eff 7-26-96; ss by #7204, eff 2-24-00

Env-C 605.08 Repeat Violations. For any repeat violation within 5 years of the initial violation, the fine shall be:

(a) Doubled, if doing so does not cause the fine to exceed the statutory maximum; or

(b) If doubling the fine would cause the fine to exceed the statutory maximum, the fine shall be \$2,000.

[Source.](#) #7204, eff 2-24-00

PART Env-C 606 FINES RELATING TO OIL SPILLS

Statutory Authority: RSA 146-A:15

Env-C 606.01 Definitions. For any term used in this part which is defined in RSA 146-A or Env-Ws 412, the definition stated therein shall apply to these rules.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 606.02 Fines Relating to Reporting and Notification Requirements. For violations relating to reporting and notification requirements for discharges of petroleum products subject to RSA 146-A, the amount of the administrative fine shall be as follows:

(a) For failing to report the discharge or spillage of any oil as required by RSA 146-A:4, RSA 146-A:5 and Env-Ws 412.02, \$2,000 per discharge or spillage;

(b) For failing to comply with the notification requirements of Env-Ws 412.07(a), \$2,000 per requirement not met per event;

(c) For failure of responsible parties to comply with the notification requirements of Env-Ws 412.12(a), \$2,000 per event that triggers the notification requirement; and

(d) For failure of responsible parties to reimburse the department for costs of notification as required by Env-Ws 412.12(b), \$2,000 per event that triggers the notification requirement.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

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Env-C 606.03 Fines Relating to Response and Investigatory Requirements. For violations relating to response and investigatory requirements for discharges of petroleum products subject to RSA 146-A, the amount of the administrative fine shall be as follows:

(a) For failing to respond and take corrective action when a discharge of oil occurs as required by RSA 146-A:4, Env-Ws 412.05, Env-Ws 412.06, and Env-Ws 412.07, \$2,000 per requirement not met;

(b) For failing to immediately contain or remove an oil discharge as required by RSA 146-A:4, II, \$2,000 per discharge;

(c) For failure of the responsible party to conduct an initial site characterization as required by Env-Ws 412.08:

(1) After written notice is received by the responsible party from the department, \$2,000 per calendar month or portion thereof that the initial site characterization is not completed after the deadline specified in the written notice; or

(2) If the responsible party has not notified the department as required by RSA 146-A:4, RSA 146-A:5, and Env-Ws 412.02, \$2,000 per calendar month or portion thereof that the initial site characterization is not completed after the discharge occurs;

(d) For failure of an owner of a facility near the location of the discovery of an oil discharge from an unknown source to conduct an initial site characterization as required by Env-Ws 412.09, \$2,000 per calendar month or portion thereof that the initial site characterization is not completed after the deadline specified in written notice from the department;

(e) For failing to conduct a site investigation as required by Env-Ws 412.10:

(1) After written notice is received by the responsible party from the department, \$2,000 per calendar month or portion thereof that the site investigation is not completed after the deadline specified in the written notice; or

(2) If the responsible party has not notified the department as required by RSA 146-A:4, RSA 146-A:5, and Env-Ws 412.02, \$2,000 per calendar month or portion thereof that the site investigation is not completed after the discharge occurs; and

(f) For failing to submit a site investigation report as required by Env-Ws 412.10(d), \$2,000 per calendar month or portion thereof that the site investigation report is late.

Source. #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 606.04 Fines Relating to Remediation Requirements. For violations relating to remediation requirements for discharges of petroleum products subject to RSA 146-A, the amount of the administrative fine shall be as follows:

(a) For failing to submit a remedial action plan as required by Env-Ws 412.11, \$2,000 per calendar month or portion thereof that the remedial action plan is late;

(b) For failure of responsible parties to comply with any requirement of Env-Ws 412.11(f) prior to starting remediation of soil, groundwater or surface water before a remedial action plan is approved by the department, \$2,000 per requirement not met;

(c) For failing to implement the remedial action plan after the plan has been approved by the department, as required by Env-Ws 412.11(d), \$2,000 per calendar month or portion thereof that the remedial action plan is not implemented;

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(d) For failing to submit the results of implementing the plan, including an evaluation of the effectiveness of the remediation, to the department as required by Env-Ws 421.11(e), \$2,000 per calendar month or portion thereof that the results are not submitted.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 606.05 Other Fines Relating to Oil Spills.

(a) For directly or indirectly causing or suffering the discharge of oil into or onto any surface water or groundwater of this state, or in a land area where the oil will ultimately seep into surface water or groundwater in violation of RSA 146-A:3, the administrative fine shall be \$2,000 per discharge.

(b) For failing to comply with an order of the department requiring investigation, containment, cleanup, removal, remedial measures, or corrective measures pursuant to RSA 146-A:17, the administrative fine shall be \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with.

(c) For knowingly submitting false or misleading information in any reports required by RSA 146-A or Env-Ws 412 to be submitted, the administrative fine shall be \$2,000 per submittal.

(d) For recklessly or negligently submitting false or misleading information in any reports required by RSA 146-A or Env-Ws 412 to be submitted, the administrative fine shall be \$1,000 per submittal.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

PART Env-C 607 FINES RELATING TO UNDERGROUND STORAGE FACILITIES

Statutory Authority: RSA 146-C:10-a

Env-C 607.01 Definitions.

(a) For any term used in this part which is defined in RSA 146-C or Env-Wm 1401, the definition stated therein shall apply to these rules.

(b) For any underground storage facility that includes more than one underground storage system, each system shall be viewed independently of any other system at that facility for purposes of determining violations.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 607.02 Fines Relating to UST Permit Requirements. For violations relating to underground storage tank (UST) permit requirements, the amount of the administrative fine shall be as follows:

(a) For failing to comply with every underground storage facility registration requirement specified in RSA 146-C:3 and Env-Wm 1401.04, Env-Wm 1401.05, and Env-Wm 1401.06, \$1,000 per requirement not met;

(b) For failing to post an underground storage facility permit or completed certificate in accordance with all of the requirements of RSA 146-C:4 and Env-Wm 1401.07(c) and Env-Wm 1401.21(l), \$100 per permit or certificate not posted;

(c) For failing to comply with any permit to operate requirement specified in RSA 146-C:4 or Env-Wm 1401.07, \$1,000 per requirement not met; and

(d) For failing to pay a permit to operate fee as required by RSA 146-C:4, III, \$100 for each calendar month or portion thereof the fee is not paid.

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[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 607.03 Fines Relating to UST Installation/Construction Requirements. For violations relating to UST installation/construction requirements, the amount of the administrative fine shall be as follows:

- (a) For failing to obtain approval for the construction or installation of a new underground storage system or substantial modification of an existing system, in violation of RSA 146-C:7, I or Env-Wm 1401.20 or Env-Wm 1401.28, \$1,000 per requirement not met;
- (b) For failing to install a new underground storage system or substantial modification of an existing system, in accordance with the approved plans or specifications pursuant to all of the requirements of Env-Wm 1401.20 or Env-Wm 1401.28, \$1,000 per requirement not met;
- (c) For failing to meet the tank standards specified in Env-Wm 1401.21 for new underground storage systems, \$1,000 for each underground storage system per standard not met;
- (d) For failing to notify that the installation of a new or substantially modified underground storage system is complete and ready for inspection in accordance with all of the requirements of Env-Wm 1401.28, \$500 per system;
- (e) For failing to install corrosion protection for steel tanks in accordance with all of the requirements of Env-Wm 1401.32, \$1,000 per requirement not met;
- (f) For failing to install corrosion protection for piping in accordance with all of the requirements of Env-Wm 1401.33, \$1,000 per requirement not met;
- (g) For failing to submit corrosion protection plans at least 90 days prior to retrofitting or for not field installing corrosion protection measures for underground storage systems in accordance with all of the requirements of Env-Wm 1401.34, \$500 per requirement not met;
- (h) For failing to comply with all of the piping standards specified in Env-Wm 1401.22 for new underground storage systems, \$1,000 per system per standard not met;
- (i) For failing to install approved spill or overfill prevention devices as required by Env-Wm 1401.25, \$200 per requirement not met per calendar month or portion thereof after the devices are not installed after receiving written notification from the department that installation is required;
- (j) For failing to comply with any release detection requirement specified in Env-Wm 1401.29 or Env-Wm 1401.30, \$1,000 per system per requirement not met;
- (k) For failing to submit plans prior to installing release detection on piping in accordance with all of the requirements of Env-Wm 1401.30, \$1,000 per system per requirement not met;
- (l) For failing to install line leak detector or leak monitoring in accordance with all of the requirements of Env-Wm 1401.27 for new underground piping systems, \$1,000 per system per requirement not met;
- (m) For failing to install a leak monitor alarm system in accordance with all of the requirements specified in Env-Wm 1401.31, \$500 per system per requirement not met;
- (n) For failing to have a registered structural engineer design or certify field-fabricated tanks in accordance with Env-Wm 1401.39, \$500 per tank per requirement not met;
- (o) For repairing an underground storage system using methods or materials which do not conform with all of the requirements specified in Env-Wm 1401.36 or Env-Wm 1401.37 or for failure to obtain approval prior to a repair, \$500 per system per requirement not met;

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(p) For failing to comply with all testing, plan and specification submission requirements specified in Env-Wm 1401.36 when relining steel underground storage tanks, \$500 per tank per requirement not met;

(q) For failing to comply with all testing, plan and specification submission requirements specified in Env-Wm 1401.37 when repairing an underground glass fiber-reinforced plastic tank, \$500 per tank per requirement not met; and

(r) For failing to comply with all piping system repair and replacement requirements of Env-Wm 1401.38 when a tank or a piping system is removed and replaced, \$1,000 per tank or piping system, as applicable, per requirement not met.

Source. #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 607.04 Fines Relating to UST Testing Requirements. For violations relating to UST testing requirements, the amount of the administrative fine shall be as follows:

(a) For failing to comply with all tank tightness testing requirements specified in Env-Wm 1401.13, \$1,000 per tank per requirement not met;

(b) For failing to test an underground storage system cathodic protection system in accordance with all of the requirements of Env-Wm 1401.32, \$200 per system per requirement not met; and

(c) For failing to report, identify the cause or take necessary corrective action when an underground storage system fails a precision tightness or other test(s) as required by Env-Wm 1401.15, \$1,000 per system per requirement not met.

Source. #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 607.05 Fines Relating to UST Operation Requirements. For violations relating to UST operation requirements, the amount of the administrative fine shall be as follows:

(a) For failing to maintain accurate stock inventory records in accordance with RSA 146- C:5 and Env-Wm 1401.11, \$500 for each calendar month or portion thereof the records are inaccurate;

(b) For reusing a tank which does not meet the standards for a new underground tank as defined by Env-Wm 1401.21, in violation of RSA 146-C:8 or Env-Wm 1401.19, \$1,000 per calendar month or portion thereof that the tank is used;

(c) For reusing a tank for food product or potable water storage in violation of Env-Wm 1401.19 and RSA 146-C:8, \$2,000 per calendar month or portion thereof the tank is used;

(d) For failing to maintain operation of leak monitoring equipment pursuant to Env-Wm 1401.31, \$1,000 per requirement not met;

(e) For failing to maintain financial responsibility for costs associated with the cleanup of releases in accordance with all of the requirements of RSA 146-C:3 and Env-Wm 1401.10, \$100 for each calendar month or portion thereof that financial responsibility is not in place;

(f) For failing to comply with all of the transfer requirements specified in Env-Wm 1401.12 during transfer of a regulated substance to a underground facility, \$1,000 per transfer;

(g) For failing to comply with all of the certification requirements specified in Env-Wm 1401.14, \$200 per requirement not met;

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(h) For failing to notify division of any unusual operating condition as required by Env-Wm 1401.16, \$500 per condition not reported;

(i) For failing to investigate the cause of any unusual operating condition or to take action thereon as required by Env-Wm 1401.16(c) or (d), \$500 per requirement not met; and

(j) For failing to maintain spill or overflow protection in accordance with all of the requirements of Env-Wm 1401.25, \$200 per requirement not met.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 607.06 Other Fines Relating to UST Requirements. For violations relating to other UST requirements, the amount of the administrative fine shall be as follows:

(a) For any owner or operator of an underground storage facility who directly or indirectly causes the discharge or disposal of any oil as defined by RSA 146-C:1, XII, in violation of RSA 146-C:2, \$2,000 per discharge;

(b) For failing to file an amended registration form upon transfer of ownership of an underground storage facility pursuant to RSA 146-C:6 and Env-Wm 1401.08, \$500;

(c) For failing to deliver to the buyer all documents and information related to the underground storage facility when transferring ownership pursuant to RSA 146-C:6 and Env-Wm 1401.08, \$200 per transaction;

(d) For failing to comply with all temporary closure requirements specified in Env-Wm 1401.17, \$500 per requirement not met;

(e) For failing to comply with all permanent closure requirements specified in Env-Wm 1401.18, \$500 per requirement not met;

(f) For failing to close a hazardous substance underground storage system without secondary containment or leak monitoring in accordance with all of the requirements of Env-Wm 1401.40, \$1,000 per requirement not met;

(g) For failing to comply with an administrative order issued pursuant to RSA 146-C:9-a, \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with;

(h) For failing to comply with facility financial responsibility in accordance with all requirements of RSA 146-C:7 and Env-Wm 1401.10, \$1,000 per calendar month or portion thereof that the requirements are not met after receiving written notice from the department that compliance is required;

(i) For knowingly submitting false or misleading information in any registrations or reports required by RSA 146-C or Env-Wm 1401 to be submitted, \$2,000 per submittal; and

(j) For recklessly or negligently submitting false or misleading information in any registrations or reports required by RSA 146-C or Env-Ws 1401 to be submitted, \$1,000 per submittal.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

PART Env-C 608 FIELD CITATION PROGRAM

Statutory Authority: RSA 146-C:10-a; RSA 485-A:22

Env-C 608.01 Purpose. The purpose of this part is to provide the schedules of fines for the alternate mechanism established in Env-Ws 601.12 for notifying persons of certain proposed administrative fines.

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[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 608.02 Definitions.

(a) For any term used in this part which is defined in the statute(s) or rule(s) under which the fine is sought, the definition contained therein shall apply to these rules.

(b) For any underground storage facility that includes more than one underground storage system, each system shall be viewed independently of any other system at that facility for purposes of determining violations.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 608.03 Field Citation Program Parameters.

(a) In issuing a notice-of proposed fine under this part, the division shall not propose a fine of more than \$100 per violation.

(b) The division shall not issue a notice of proposed fine under this part if the total proposed fine will exceed \$1,000.

(c) If the total proposed fine under this part exceeds \$500, the amount in excess of \$500 shall be suspended. If the respondent corrects the violations and pays the \$500 fine within 30 days of the date of the notice, the department shall waive payment of the suspended portion of the fine.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 608.04 Schedule of Fines Relating to Underground Storage Facilities.

(a) For failing to display or affix the certificate required by Env-Wm 1401.21 in accordance with all of the requirements of Env-Wm 1401.21(l), the fine shall be \$25 per certificate.

(b) For failing to display the permit to operate on facility premises at all times as required by Env-Wm 1401.07(c), the fine shall be \$25 per permit.

(c) For failing to have a passing tightness test on an underground storage system in accordance with all of the requirements of Env-Wm 1401.13, the fine shall be \$100 per system.

(d) For failing to install or test cathodic protection systems in accordance with all of the requirements of Env-Wm 1401.32, the fine shall be \$50 per system.

(e) For failing to conduct inventory monitoring or tank gauging in accordance with all of the requirements of Env-Wm 1401.11, the fine shall be \$100 per tank.

(f) For failing to install or maintain spill containment or overfill protection in accordance with all of the requirements of Env-Wm 1401.25, the fine shall be \$100 per tank.

(g) For failing to install release detection systems in accordance with all of the requirements of Env-Wm 1401.29, the fine shall be \$100 per system.

(h) For failing to conduct release detection in accordance with all of the requirements of Env-Wm 1401.29, the fine shall be \$100 per tank.

(i) For failing to install piping release detection systems in accordance with all of the requirements of Env-Wm 1401.30, the fine shall be \$100 per piping system.

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(j) For failing to conduct piping release detection in accordance with all of the requirements of Env-Wm 1401.30, the fine shall be \$100 per piping system.

(k) For failing to install or test automatic line leak detectors as required by Env-Wm 1401.30(b), the fine shall be \$100 per piping system.

(l) For failing to continuously monitor piping interstitial space as required by Env-Wm 1401.27(d), the fine shall be \$100 per piping system.

(m) For failing to comply with any of the installation or operation requirements for leak monitoring equipment requirements specified in Env-Wm 1401.31, the fine shall be \$100 per system.

(n) For failing to file an amended registration upon transfer of ownership of a facility as required by Env-Wm 1401.08, the fine shall be \$100 per transfer.

(o) For failing to notify the division of the temporary closure of a system as required by Env-Wm 1401.17(b), the fine shall be \$50 per system.

(p) For failing to notify the division at least 30 days prior to removal or closure as required by Env-Wm 1401.18, the fine shall be \$50 per system.

(q) For failing to register a facility that comes within the jurisdiction of RSA 146-C through a change in use as required by Env-Wm 1401.05, the fine shall be \$50 per system.

(r) For failing to register a storage system in accordance with all of the requirements of Env-Wm 1401.04, the fine shall be \$100 per system.

(s) For failing to permanently close a storage system in accordance with all of the requirements of Env-Wm 1401.18, the fine shall be \$100 per system.

(t) For failing to install a storage system in accordance with all of the requirements of Env-Wm 1401.20 or Env-Wm 1401.28, the fine shall be \$100 per system.

(u) For failing to comply with facility financial responsibility in accordance with all requirements of RSA 146-C:7 and Env-Wm 1401.10, the fine shall be \$50 per system.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 608.05 Schedule of Fines Relating to Septage Management.

(a) For failing to maintain records of each load of septage as required by Env-Ws 1605.10, the fine shall be \$25 per load.

(b) For failing to submit an annual report within the time limits specified in Env-Ws 1607.12(b) and Env-Ws 1608.12(b), the fine shall be \$25 per calendar month or portion thereof the report is late.

(c) For failing to submit all the information required in the annual report in accordance with Env-Ws 1607.12(c) and Env-Ws 1608.12(c), the fine shall be \$25 per report.

(d) For failing to keep a copy of the hauler's permit in the vehicles at all times as required by Env-Ws 1605.06(a), the fine shall be \$25 per load hauled without the permit in the vehicle.

(e) For failing to display the name, municipality, and telephone number of the septage hauler or septage hauling company as required by Env-Ws 1605.06(b), the fine shall be \$25 per vehicle or tank not labeled.

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(f) For failing to mount a permit plate on the rear of the septage hauling vehicle as required by Env-Ws 1605.06(d), the fine shall be \$25 per vehicle.

(g) For failing to maintain the septage hauling tank such that no septage will leak, spill, or run out of the tank during transfer or transportation, as required by Env-Ws 1605.07(d), the fine shall be \$100 per tank.

(h) For failing to comply with any of the requirements of Env-Ws 1607.08, land application standards, the fine shall be \$50 per application of septage.

(i) For failing to comply with any of the requirements of Env-Ws 1607.09, septage storage, the fine shall be \$50 per requirement not met.

[Source.](#) #7204, eff 2-24-00

Env-C 608.06 Schedule of Fines Relating to Sludge Management.

(a) For failing to maintain records of each load of sludge as required by Env-Ws 805.10, the fine shall be \$25 per load.

(b) For failing to submit an annual report within the time limits specified in Env-Ws 806.12(b) and Env-Ws 808.12(b), the fine shall be \$25 per calendar month or portion thereof the report is late.

(c) For failing to submit all the information required in the annual report in accordance with Env-Ws 806.12(c) and Env-Ws 808.12(c), the fine shall be \$25 per report.

(d) For failing to keep a copy of the hauler's permit in the vehicles at all times as required by Env-Ws 805.06(a), the fine shall be \$25 per load hauled without the permit in the vehicle.

(e) For failing to display the name, municipality, and telephone number of the sludge hauler or sludge hauling company as required by Env-Ws 805.06(b), the fine shall be \$25 per vehicle.

(f) For failing to mount a permit sticker on the container as required by Env-Ws 805.06(d), the fine shall be \$25 per container.

(g) For failing to maintain the containers used for carrying sludge such that no sludge will leak, spill, or run out of the tank during transfer or transportation, as required by Env-Ws 805.07(d), the fine shall be \$100 per container.

(h) For failing to comply with any of the requirements of Env-Ws 806.08, land application standards, the fine shall be \$50 per application of sludge.

(i) For failing to cover the containers hauling the sludge being transported, as required by Env-Ws 805.08(c), the fine shall be \$50 per container.

(j) For failing to comply with any of the requirements of Env-Ws 806.09 sludge stockpiling, the fine shall be \$50 per requirement not met.

[Source.](#) #7204, eff 2-24-00

Env-C 608.07 Fines Relating to Surface Water Discharge Permits.

(a) For failing to perform monitoring according to approved procedures as required by a state surface water discharge permit, the fine shall be \$100 per parameter.

(b) For refusing to allow the department to have access to all records required by a state surface water discharge permit to be maintained, the fine shall be \$100 per refusal.

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(c) For failing to monitor for any parameter at a frequency less than that required in a state surface water discharge permit for that parameter, the fine shall be \$100 per parameter.

(d) For failing to report the toxicity test information as required in a state surface water discharge permit, the fine shall be \$100 per test.

[Source.](#) #7204, eff 2-24-00

Env-C 608.08 Schedule of Fines Relating to Dredge and Fill in Wetlands. For the following violations not otherwise classified under Env-C 614 as major or minor impact based upon the resource area or project type, the amount of the administrative fine shall be \$100:

(a) Unauthorized dredge, removal, or excavation that involves:

(1) A total impact of 3,000 square feet or less in a non-tidal swamp or wet meadow that does not involve draining of wetland for lot development, with disturbance to no more than 5 percent of the area of impacted wetlands;

(2) A total impact of 1,000 square feet or less in surface waters, including marshes, other than a great pond or tidal river, that does not involve fill for lot development; or

(3) A total impact of 10,000 square feet or less in previously-developed upland of a tidal buffer zone at least 50 feet from a tidal marsh;

(b) Unauthorized fill project that involves:

(1) A total impact of 3,000 square feet or less in a non-tidal swamp or wet meadow, that does not involve fill for lot development, with disturbance to no more than 5 percent of the area of impacted wetlands;

(2) A total impact of 1,000 square feet or less in surface waters, including marshes, other than a great pond or tidal river, that does not involve fill for lot development; or

(3) A total impact of 10,000 square feet or less in previously-developed upland of a tidal buffer zone at least 50 feet from a tidal marsh;

(c) Unauthorized fill to less than 50 linear feet along the shoreline or bank along the surface waters;

(d) Unauthorized construction or modification of a seasonal or permanent pier, wharf, or other similar docking structure listed under Wt 402, with 2 or less slips, including pre-existing slips;

(e) Unauthorized construction or modification of a seasonal canopy as identified in Wt 402, covering a maximum area of 300 square feet;

(f) Unauthorized construction, modification, repair or replacement of a nontidal retaining wall or other shoreline protection structure involving no change in height, length, location, or configuration, and maximum refacing of 6 inches in thickness;

(g) Any other unauthorized project that:

(1) Does not exceed the criteria in (a) through (f), above; and

(2) Qualifies as minimum impact under Wt 101.50 and Wt 303.04.

(h) Failing to post a permit as specified by RSA 482-A:12;

(i) Failing to sign a permit; and

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- (j) Failing to comply with a siltation or erosion control provision where no water quality degradation has occurred.

[Source.](#) #7445, eff 2-6-01

PART Env-C 609 FINES RELATING TO GROUNDWATER AND WELLHEAD PROTECTION

Statutory Authority: RSA 485-C:18

Env-C 609.01 Definitions.

- (a) For any term used in this part which is defined in RSA 485-C or Env-Ws 421, the definitions contained therein shall apply to these rules.

- (b) If a potential contamination source includes more than one area where regulated substances are stored, each area shall be viewed independently of any other area at that source for purposes of determining violations.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 609.02 Fines Relating to All Storage Areas for Regulated Substances. For violations relating to storage areas for regulated substances, the amount of the administrative fine shall be as follows:

- (a) For failing to store regulated substances in an area having an impervious surface in accordance with Env-Ws 421.04(b), \$1,000 per non-compliant storage area;

- (b) For failing to store regulated substances in an area secured against unauthorized entry in accordance with Env-Ws 421.04(c), \$1,000 per non-compliant storage area;

- (c) For failing to maintain adequate aisle space between containers as required by Env-Ws 421.04(d), \$500 per container that cannot be completely inspected;

- (d) For failing to have spill control and containment equipment as required by Env-Ws 421.04(k), \$500 per non-compliant storage area;

- (e) For having unpermitted interior floor drains in violation of Env-Ws 421.06, \$1,000 per unpermitted drain;

- (f) For having unpermitted work sinks in violation of Env-Ws 421.07, \$1,000 per unpermitted sink; and

- (g) For failing to post release response information as required by Env-Ws 421.09, \$500 per non-compliant storage area.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 609.03 Fines Relating to Outside Storage Areas. For violations relating to outside storage areas for regulated substances, the amount of the administrative fine shall be as follows:

- (a) For failing to maintain cover on containers in outside storage areas in accordance with Env-Ws 421.04(e), \$1,000 per uncovered container;

- (b) For storing a regulated container closer to surface water or wells than allowed by Env-Ws 421.04(f), \$1,000 per container;

- (c) For failing to have secondary containment as required by Env-Ws 421.04(g), \$1,000 per non-compliant storage area; and

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(d) For locating an outside storage area closer than 50 feet to a storm drain without secondary containment as required by Env-Ws 421.04(h), \$1,000 per non-compliant storage area.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 609.04 Fines Relating to Storage of Regulated Substances. For violations relating to the storage of regulated substances, the amount of the administrative fine shall be as follows:

(a) For failing to inspect storage areas as required by Env-Ws 421.04(d), \$500 per week that complete inspections are not done;

(b) For failing to label regulated containers in accordance with Env-Ws 421.04(i), \$500 per container; and

(c) For failing to keep regulated containers closed and sealed as required by Env-Ws 421.04(j), \$1,000 per container.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 609.05 Fines Relating to Use of Regulated Substances. For violations relating to the use of regulated substances, the amount of the administrative fine shall be as follows:

(a) For failing to use funnels and drip pans when transferring regulated substances as required by Env-Ws 421.05(a), \$1,000 per transfer;

(b) For failing to transfer fuel or regulated substances over an impervious surface as required by Env-Ws 421.05(b), \$1,000 per transfer; and

(c) For siting or operating a new use in violation of RSA 485-C, \$2,000.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 609.06 Other Fines Relating to Wellhead and Groundwater Protection.

(a) For non-compliance with an order issued by the department pursuant to RSA 485-C:16, the fine shall be \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with.

(b) For non-compliance with an order issued by a municipality pursuant to RSA 485-C:16 where either the recipient has not requested department review or, if review has been requested, the department has confirmed the order, the fine shall be \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with.

(c) For failing to obtain a groundwater management zone permit as required by RSA 485-C:6-a, the fine shall be \$1,000 per calendar month or portion thereof that the permit is not obtained after being informed in writing by the department that the permit is required.

(d) For failing to record notice of a groundwater management zone as required by RSA 485-C:6-b, the fine shall be \$1,000 per calendar month or portion thereof that the permit is not recorded after being informed in writing by the department that recordation is required.

(e) For knowingly submitting false or misleading information in any reports required by RSA 485-C, Env-Ws 421, or Env-Ws 1500 to be submitted, the fine shall be \$2,000 per submittal.

(f) For recklessly or negligently submitting false or misleading information in any reports required by RSA 485-C, or Env-Ws 421, or Env-Ws 1500 to be submitted, the fine shall be \$1,000 per submittal.

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(g) For failing to obtain a groundwater release detection permit as required by RSA 485-C:13, the fine shall be \$1,000 per calendar month or portion thereof that the permit is not obtained after being informed in writing by the department that the permit is required.

(h) For failing to obtain a groundwater discharge permit as required by RSA 485-C:13 and Env-Ws 1504, the fine shall be \$1,000 per calendar month or portion thereof that the permit is not obtained after being informed in writing by the department that the permit is required.

(i) For failing to comply with groundwater discharge permit conditions, the fine shall be \$500 per permit condition violated per calendar month or portion thereof.

(j) For failing to register a discharge or holding tank as required by Env-Ws 1508, the fine shall be \$1,000 per calendar month or portion thereof that the discharge or holding tank, as applicable, is not registered after being informed in writing by the department that registration is required.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

PART Env-C 610 CALCULATION OF ADMINISTRATIVE FINES

Statutory Authority: RSA 146-A:15; RSA 146-C:10-a; RSA 147-A:17-a; RSA 149-M:16; RSA 149-M:37, IV; RSA 482:79-a; RSA 482:89, II; RSA 482-A:13; RSA 482-B:16, II; RSA 483-B:17, V; RSA 485:58, IV; RSA 485-A:22,V; RSA 485-A:28; RSA 485-A:43,V; RSA 485-A:54,V; RSA 485-C:18; and RSA 487:7, II

Env-C 610.01 Applicability. The department shall use the fine matrix as described in this part to calculate the amount of the administrative fine sought for the following violations:

- (a) Any violation for which the reference in the schedule of fines is to this part; and
- (b) Any violation for which a fine is authorized under RSA 146-A, RSA 146-C, RSA 147-A, RSA 149-M, RSA 482, RSA 482-A, RSA 482-B, RSA 483-B, RSA 485, RSA 485-A, RSA 485-C, or RSA 487 and for which a fine is not otherwise specified in Env-C 602 through Env-C 609 or Env-C 611 through Env-C 615.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 610.02 Definitions. The following definitions shall apply to part Env-C 610:

- (a) "Division" means the division, as defined in RSA 21-G:5, VII, within the department which initiates the action to seek an administrative fine;
- (b) "Major deviation from requirement" means:
 - (1) The respondent has deviated from the requirement of a statute or rule to such an extent that there is substantial noncompliance, analogous to less than half of the requirements being met; or
 - (2) The respondent acted or failed to act where the respondent knew or should have known that the action or inaction would cause a deviation from a requirement;
- (c) "Minor deviation from requirement" means the respondent deviated partially from a statute or rule but most requirements are implemented as intended, analogous to more than half of the requirements being met;

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(d) "Moderate deviation from requirement" means the respondent significantly deviated from the requirements but some requirements were implemented as intended, analogous to half of the requirements being met;

(e) "Potential for harm" means the likelihood that the violation will cause harm to human health or welfare or the environment, as determined in accordance with Env-C 610.03;

(f) "Repeat violation" means:

(1) A subsequent violation at the same facility of a statute or rule for which a notice of violation (NOV), a letter of deficiency (LOD), or an administrative order (AO) has previously been issued by the department; or

(2) A subsequent violation by the same respondent of a statute or rule for which an NOV, LOD, or AO has previously been issued by the department; and

(g) "Respondent" means the person against whom a fine is sought to be imposed.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 610.03 Calculation of Proposed Fines.

(a) In determining the fine amount, the division shall assign 3 staff inspectors or supervisors to independently calculate the potential for harm and extent of deviation from the requirements, and the proposed fine based thereon.

(b) If the 3 results are within 17% of the arithmetic mean of the results, the results shall be averaged to determine the recommended fine, which shall be rounded off to the nearest whole dollar.

(c) If the 3 results deviate from the arithmetic mean by more than 17%, staff shall review the findings and shall re-calculate the recommended fine as many times as necessary to arrive at results which deviate from the arithmetic mean by 17% or less, so that the provisions of (b) above shall apply.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 610.04 Potential for Harm Determinations.

(a) For each factor listed in (d)(1) through (4) below, the person doing the calculation shall assign a rating which shall correspond to the following:

(1) 0 shall mean no potential for harm;

(2) 1 shall mean that the percentage probability for harm is from 1 to 15 percent;

(3) 2 shall mean that the percentage probability for harm is from 16 to 35 percent;

(4) 3 shall mean that the percentage probability for harm is from 36 to 75 percent;

(5) 4 shall mean that the percentage probability for harm is from 75 to 90 percent; and

(6) 5 shall mean that the percentage probability for harm is from 91 to 100 percent.

(b) The person doing the calculation shall then add the individual ratings together and multiply the sum by 5 to determine the final potential for harm rating of the violation.

(c) The person doing the calculation shall determine whether the potential for harm is major, moderate or minor as follows:

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- (1) A violation with a major potential for harm shall be a violation:
 - a. Where the final potential for harm rating is 80 or more; or
 - b. Where the violation received a 5 rating for any one of the factors identified in (d)(2) through (4), below, regardless of the overall final rating;
- (2) A violation with a moderate potential for harm shall be a violation where the final potential for harm rating is from 40 to 79; and
- (3) A violation with a minor potential for harm shall be a violation where the final potential for harm rating is 39 or less.
- (d) The person doing the calculation shall base the potential for harm determination on the following factors:
 - (1) As applicable, the quantity of:
 - a. Waste mismanaged or disposed;
 - b. Surface or ground water or wetlands affected by the violation(s); or
 - c. Land otherwise affected by the violation(s);
 - (2) The threat to human life or health;
 - (3) The threat to land-based and aquatic species, including domestic animals and wildlife; and
 - (4) The threat to the environment, including habitat for land-based and aquatic species.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 610.05 Fine Assessment Components.

- (a) The fine component for a major deviation from requirement violation shall be no less than 75 percent of half of the maximum per-violation fine and no greater than half of the maximum per-violation fine.
- (b) The fine component for a moderate deviation from requirement violation shall be no less than 50 percent of half of the maximum per-violation fine and no greater than 75 percent of half of the maximum per-violation fine.
- (c) The fine component for a minor deviation from requirement violation shall be no less than \$50 and no greater than 50 percent of half of the maximum per-violation fine.
- (d) The fine component for a major potential harm violation shall be no less than 75 percent of half of the maximum per-violation fine and no greater than half of the maximum per-violation fine.
- (e) The fine component for a moderate potential harm violation shall be no less than 50 percent of half of the maximum per-violation fine and no greater than 75 percent of half of the maximum per-violation fine.
- (f) The fine component for a minor potential harm violation shall be no less than \$50 and no more than 50 percent of half of the maximum per-violation fine.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

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Env-C 610.06 Total Fine Assessments. The fine for each violation shall be the sum total of the fine component for the potential for harm plus the fine component for the deviation from requirement for that violation, as shown in Table 610-1 for fines where the maximum per-violation fine is \$2,000 and in Table 610-2 for fines where the maximum per-violation fine is \$5,000:

Table 610-1
Matrix for Calculated Fines - Maximum Fine \$2,000

	Major Deviation from Requirement	Moderate Deviation from Requirement	Minor Deviation from Requirement
Major Potential for Harm	\$1,500 to \$2,000	\$1,250 to \$1,750	\$800 to \$1,500
Moderate Potential for Harm	\$1,250 to \$1,750	\$1,000 to \$1,500	\$550 to \$1,250
Minor Potential for Harm	\$800 to \$1,500	\$550 to \$1,250	\$100 to \$1,000

Table 610-2
Matrix for Calculated Fines - Maximum Fine \$5,000

	Major Deviation from Requirement	Moderate Deviation from Requirement	Minor Deviation from Requirement
Major Potential for Harm	\$3,750 to \$5,000	\$3,125 to \$4,375	\$1,925 to \$3,750
Moderate Potential for Harm	\$3,125 to \$4,375	\$2,500 to \$3,750	\$1,300 to \$3,125
Minor Potential for Harm	\$1,925 to \$3,750	\$1,300 to \$3,125	\$100 to \$2,500

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

Env-C 610.07 Repeat Violations.

(a) The first repeat violation shall result in the escalation of the offense to the next highest classification in each category.

(b) All subsequent repeat violations shall be assessed the maximum major violation penalty in each category.

[Source.](#) #5861, eff 7-1-94; ss by #7204, eff 2-24-00

PART Env-C 611 FINES RELATING TO DEVELOPMENT WITHIN THE PROTECTED SHORELAND

Statutory Authority: RSA 483-B:17

Env-C 611.01 Definitions. Any term used in these rules shall have the same meaning as in the statute or rule to which the fine relates.

[Source.](#) #6382, eff 11-26-96; ss by #7204, eff 2-24-00

Env-C 611.02 Water Quality Violations. The department shall determine whether a water quality violation has occurred in accordance with Env-Ws 430 or Env-Ws 1700, as applicable.

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[Source.](#) #6382, eff 11-26-96; ss by #7204, eff 2-24-00

Env-C 611.03 Fines Relating to Salt Storage Yards, Auto Junk Yards and Solid or Hazardous Waste Facilities. For establishing or expanding a salt storage yard, auto junk yard, or solid or hazardous waste facility in violation of RSA 483-B:9, II, the fine shall be \$2,000 per event of establishing or expanding, as applicable, if not resulting in water quality violations and \$2,500 per event of establishing or expanding, as applicable, if resulting in water quality violations.

[Source.](#) #6382, eff 11-26-96; ss by #7204, eff 2-24-00

Env-C 611.04 Fines Relating to Construction of Primary Structures.

(a) For constructing a primary structure between the reference line and the primary building line, the fine shall be \$4,000.

(b) For constructing an addition that extends a structure closer to the public waters, except the addition of an open deck or porch up to a maximum of 12 feet towards the reference line pursuant to RSA 483-B:11, II, the fine shall be \$2,000.

(c) For enclosing an open deck or porch located between the reference line and the primary building line, the fine shall be \$2,000.

[Source.](#) #6382, eff 11-26-96; ss by #7204, eff 2-24-00

Env-C 611.05 Fines Relating to Fertilizer Use Within the Protected Shoreland. For use of fertilizers not in accordance with RSA 483-B, the fine shall be \$500 per use if not resulting in water quality violations and \$1,000 per use if resulting in water quality violations.

[Source.](#) #6382, eff 11-26-96; ss by #7204, eff 2-24-00

Env-C 611.06 Fines Relating to the Natural Woodland Buffer.

(a) For constructing an accessory structure in the natural woodland buffer zone not in accordance with Env-Ws 1400, the fine shall be \$2,000 per structure.

(b) For removing stumps within 50 feet of the reference line, the fine shall be \$1,000 per stump removed if not resulting in water quality violations and \$3,000 per stump removed if resulting in water quality violations.

(c) For failing to maintain a well-distributed stand within the 150-foot natural woodland buffer zone, the fine shall be:

(1) If not resulting in water quality violations, \$4,000 per 150 feet of frontage or portion thereof, wherein frontage shall be as defined in Env-Ws 1002.70; and

(2) If resulting in water quality violations, \$5,000 per 150 feet of frontage or portion thereof, wherein frontage shall be as defined in Env-Ws 1002.70.

(d) For failing to maintain a 50% basal area within the 150-foot natural woodland buffer zone, the fine shall be:

(1) If not resulting in water quality violations, \$2,000 per 150 feet of frontage or portion thereof, wherein frontage shall be as defined in Env-Ws 1002.70; and

(2) If resulting in water quality violations, \$4,000 per 150 feet of frontage or portion thereof, wherein frontage shall be as defined in Env-Ws 1002.70.

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[Source.](#) #6382, eff 11-26-96; ss by #7204, eff 2-24-00;
ss by #7296, eff 5-25-00

Env-C 611.07 Other Fines Relating to the Shoreland Protection Act.

(a) For failing to comply with an order issued pursuant to RSA 483-B:5, the fine shall be \$5,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order not complied with.

(b) Notwithstanding any other provision of Env-C 611, the fine for any violation that is committed knowingly shall be \$5,000 per violation.

[Source.](#) #6382, eff 11-26-96; ss by #7204, eff 2-24-00;
ss by #7296, eff 5-25-00

PART Env-C 612 FINES RELATING TO HAZARDOUS AND SOLID WASTE MANAGEMENT

Statutory Authority: RSA 147-A:17-a; RSA 149-M:16; RSA 149-M:37, IV

Env-C 612.01 Definitions. For any term used in this part which is defined in the statute or rules under which the fine is sought, the definition contained therein shall apply to these rules.

[Source.](#) #7204, eff 2-24-00

Env-C 612.02 Fines Relating to Hazardous Waste Transportation.

(a) For failing to ensure the driver receives training as required by Env-Wm 352.01(a), the fine shall be \$2,000 per driver not trained.

(b) For failing to update training as required by Env-Wm 352.01(a), the fine shall be \$500 per individual whose training is not updated.

(c) For failing to update the contingency plan to include the NH DES telephone number as required by Env-Wm 352.01(b), the fine shall be \$500 plus \$500 per calendar month or portion thereof that the number is not included or corrected, as applicable, after being notified in writing by the department of the correct number.

(d) For failing to obtain a hazardous waste transporter registration prior to transporting hazardous waste into or within the state of New Hampshire, as required by RSA 147-A:6, I and Env-Wm 602.01(a), the fine shall be \$2,000 per load transported without being registered.

(e) For transporting hazardous waste without obtaining an EPA Identification number as required by Env-Wm 603.04, the fine shall be \$1,000 per load transported without having an EPA identification number.

(f) For failing to label hazardous waste containers as required by Env-Wm 603.05(c), the fine shall be \$2,000 per container that is not marked with all of the required information.

(g) For failing to ensure that the name of the company is displayed in permanent and legible lettering on both sides of all power or waste carrying units used to transport hazardous waste as required by Env-Wm 603.06(a)(1), the fine shall be \$1,000 per unit.

(h) For failing to ensure that the city and state of principal location is displayed in permanent and legible lettering on both sides of all power or waste carrying units used to transport hazardous waste as required by Env-Wm 603.06(a)(2), the fine shall be \$250 per unit.

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(i) For failing to ensure that the New Hampshire hazardous waste transporter registration number is displayed in permanent and legible lettering on both sides of all power or waste carrying units used to transport hazardous waste as required by Env-Wm 603.06(a)(3), the fine shall be \$1,000 per unit.

(j) For failing to ensure that the New Hampshire hazardous waste transporter registration number and company name is displayed in lettering a minimum of three inches high as required by Env-Wm 603.06(b), the fine shall be \$500 per unit.

(k) For failing to ensure that a copy of the New Hampshire hazardous waste transporter confirmation letter is carried in the vehicle as required by Env-Wm 603.06(c), the fine shall be \$500 per trip that the letter is not carried.

[Source.](#) #7204, eff 2-24-00

Env-C 612.03 Fines Relating to Hazardous Waste Violations.

(a) For constructing, substantially altering, or operating a hazardous waste facility without a permit in violation of RSA 147-A:4, I, the fine shall be \$2,000 per treatment or storage unit at the facility.

(b) For disposing of hazardous waste without a permit in violation of RSA 147-A:4, I, the fine shall be \$2,000 per disposal event.

(c) For failing to report a storage, treatment, or disposal violation as required by RSA 147-A:11, I, the fine shall be \$1,000 per violation not reported.

(d) For knowingly submitting false or misleading information relating to any application for a permit or waiver request, the fine shall be \$2,000 per submittal.

(e) For recklessly or negligently submitting false or misleading information relating to any application for a permit or waiver request, the fine shall be \$1,500 per submittal.

(f) For failing to comply with an order issued pursuant to RSA 147-A:13 or RSA 147-A:14, the fine shall be:

(1) For provisions of an order issued pursuant to RSA 147-A:13 that are designed to eliminate an imminent and substantial hazard to human health or the environment, \$2,000 per calendar day or portion thereof that compliance is not achieved after the deadline specified in the order for each such provision; and

(2) For all other provisions of an order issued pursuant to RSA 147-A:13 or RSA 147-A:14, \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with.

[Source.](#) #7204, eff 2-24-00

Env-C 612.04 Fines Relating to Hazardous Waste Manifest and Delivery Requirements.

(a) For failing to use a uniform hazardous waste manifest for shipments of hazardous waste as required by Env-Wm 510.01, the fine shall be \$2,000 per shipment.

(b) For failing to properly complete a uniform hazardous waste manifest for shipments of hazardous waste as required by Env-Wm 510.03, the fine shall be \$500 per shipment.

(c) For offering hazardous waste to a transporter or a facility that has not obtained a hazardous waste identification number as required by Env-Wm 511.01(a), the fine shall be \$2,000 per load offered.

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(d) For failing to deliver hazardous waste to a permitted facility authorized to handle the waste as required by Env-Wm 511.01(b), the fine shall be \$2000 per load delivered to an unauthorized facility.

(e) For accepting hazardous waste for transport without an accompanying manifest completed and signed by the generator as required by Env-Wm 604.01(b), the fine shall be \$500 per load accepted.

(f) For failure by a hazardous waste transporter to sign and date a manifest upon receipt of the hazardous waste from the generator as required by Env-Wm 604.01(c), the fine shall be \$1,000 per manifest.

(g) For failure by the initial transporter to return a signed and dated copy of the manifest to the generator before leaving the generator's property as required by Env-Wm 604.01(d), the fine shall be \$1,000 per manifest.

(h) For transporting hazardous waste without a manifest as required by Env-Wm 604.01(e), the fine shall be \$2,000 per load transported.

(i) For failing to ensure that 5 copies of the manifest accompany the waste at all times during transit as required by Env-Wm 604.01(e), the fine shall be \$500 per shipment.

(j) For failure by the transporter to initial and date changes to the manifest as required by Env-Wm 604.02, \$500 per manifest.

(k) For failing to use a bill of lading or manifest when transporting used oil as required by Env-Wm 807.07(b), the fine shall be \$2,000 per load transported.

[Source.](#) #7204, eff 2-24-00

Env-C 612.05 Fines Relating to Hazardous Waste Determination, Notification, and Identification Numbers.

(a) For failing to determine whether a waste is a hazardous waste as required by Env-Wm 502.01, the fine shall be \$1,500 per determination not made.

(b) For failing to notify the department prior to conducting hazardous waste activities as required by Env-Wm 504.01, the fine shall be \$1,000 for small quantity generators and \$2,000 for full quantity generators.

(c) For failing to obtain an identification number prior to treating, storing, disposing, transporting, or offering a hazardous waste for transportation in violation of Env-Wm 505.01, the fine shall be \$2,000 per treatment, disposal, or transportation event or per offer for transport or per calendar month or portion thereof that the waste is stored, as applicable.

(d) For failing to notify the department prior to conducting hazardous waste activities as required by Env-Wm 603.01 or Env-Wm 702.01, the fine shall be \$1,000.

[Source.](#) #7204, eff 2-24-00

Env-C 612.06 Fines Relating to Hazardous Waste Storage.

(a) For using hazardous waste storage practices that pose a hazard to human health or the environment in violation of Env-Wm 506.01, the fine shall be \$2,000 per event if resulting in a release of hazardous waste or a substantial threat to human health or the environment, and \$1,000 per practice for all other violations.

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(b) For storing hazardous wastes in containers that do not meet the requirements identified in Env-Wm 507.01(a)(1) and (2), the fine shall be \$1,000 per container for full quantity generators and \$500 per container for small quantity generators.

(c) For failing to keep hazardous wastes containers closed and sealed at all times except when adding or removing waste as required by Env-Wm 507.01(a)(3), the fine shall be:

(1) For each container that is 55 gallons or greater, \$400 per container;

(2) For each container that is greater than 5 gallons but less than 55 gallons, \$200 per container; and

(3) For each container that is 5 gallons or less, \$100 per container.

(d) For storing hazardous wastes on surfaces other than impervious surfaces in violation of Env-Wm 507.01(b), the fine shall be \$2,000 per non-conforming storage area.

(e) For storing hazardous wastes in an area with a functional floor drain or manhole unless secondary containment is provided as required by Env-Wm 507.01(c), the fine shall be \$2,000 per non-conforming storage area.

(f) For storing hazardous wastes outside without being covered at all times unless actively adding or removing wastes as required by Env-Wm 507.01(d), the fine shall be \$300 per container.

(g) For failing to comply with the requirements of Env-Wm 507.01(f) relating to accumulating hazardous wastes, the fine shall be \$800 per container.

(h) For failing to comply with the use and management of container requirements as required by Env-Wm 507.02(a)(1), the fine shall be:

(1) For each container that is 55 gallons or greater, \$1,500 per container;

(2) For each container that is greater than 5 gallons but less than 55 gallons, \$750 per container; and

(3) For each container that is 5 gallons or less, \$375 per container.

(i) For failing to comply with the tank management standards as required by Env-Wm 507.02(a)(2), the fine shall be \$2,000 per tank.

(j) For failing to ship hazardous waste off-site within 90 days of the start date of accumulation as required by Env-Wm 507.02(a)(3), the fine shall be \$500 per container not shipped within 90 days.

(k) For failing to mark hazardous waste containers with the beginning accumulation date as required by Env-Wm 507.03(a)(1)a. the fine shall be \$250 for each container that is 55 gallons or greater and \$125 for each container that is less than 55 gallons.

(l) For failing to mark hazardous waste containers with the words "Hazardous Waste", the contents of the container, or the waste number as required by Env-Wm 507.03(a)(1)b., c., and d. the fine shall be \$600 for each container that is 55 gallons or greater and \$300 for each container that is less than 55 gallons.

(m) For allowing hazardous waste labels to be hidden by walls or other containers in violation of Env-Wm 507.03(a)(2), the fine shall be \$100 per container whose label is not visible.

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(n) For transporting or offering hazardous waste for transportation off-site without first meeting all requirements of Env-Wm 507.03(b), the fine shall be \$750 per container transported or offered for transport.

(o) For offering hazardous waste for transportation off-site without first determining that the transporter is a NH-registered hazardous waste transporter as required by Env-Wm 507.03(c), the fine shall be \$2,000 per shipment offered.

[Source.](#) #7204, eff 2-24-00

Env-C 612.07 Fines Relating to Full Quantity Hazardous Waste Generator Requirements.

(a) For failing to inspect hazardous waste storage areas as required by Env-Wm 509.02(a)(1), the fine shall be \$1,000 per inspection per area.

(b) For failing to train personnel who handle hazardous waste as required by Env-Wm 509.02(a)(2), the fine shall be \$1,750 per individual not trained for initial training and \$1,000 per individual not trained for annual updates.

(c) For failing to comply with the requirements for ignitable, reactive or incompatible wastes as required by Env-Wm 509.02(a)(3), the fine shall be \$2,000.

(d) For failing to maintain adequate preparedness and prevention measures as required by Env-Wm 509.02(a)(4), the fine shall be \$1,250 per requirement not met per storage area.

(e) For failing to maintain an adequate contingency and emergency procedures plan as required by Env-Wm 509.02(a)(5), the fine shall be \$2,000.

(f) For failing to comply with the use and management of containers requirements as required by Env-Wm 509.02(a)(6), the fine shall be \$1,500 per container.

(g) For failing to comply with the tank management standards as required by Env-Wm 509.02(a)(7), the fine shall be \$2,000 per tank.

(h) For failing to post the emergency response information as required by Env-Wm 509.02(b), the fine shall be \$1,000 per area.

(i) For failing to provide the security measures required by Env-Wm 509.02(c), the fine shall be \$1,750 per area.

(j) For violating any of the satellite storage provisions specified in Env-Wm 509.03, the fine shall be \$1,000 per area.

[Source.](#) #7204, eff 2-24-00

Env-C 612.08 Fines Relating to Hazardous Waste Recordkeeping and Reporting Requirements.

(a) For failing to keep the records identified in Env-Wm 512.01(a) for the time period specified, the fine shall be \$300 per type of record.

(b) For failing to submit an annual report if required by Env-Wm 512.03, the fine shall be \$1,000 for a full quantity generator and \$500 for a small quantity generator.

(c) For failing to submit the annual report information required by Env-Wm 512.03(d), if required by Env-Wm 512.03 to submit an annual report, the fine shall be \$100 per item not submitted.

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(d) For failing to notify the department upon ceasing hazardous waste activities per Env-Wm 504.02(d), the fine shall be \$500.

(e) For failing to notify the department of changes to notification information by Env-Wm 504.02(c), the fine shall be \$500.

(f) For failing to submit quarterly reports if required by Env-Wm 512.02, the fine shall be \$250 per quarterly report not submitted.

(g) For failing to keep the records identified in Env-Wm 607.01 for the time period specified, the fine shall be \$250 per type of record.

(h) For failing to notify the department of changes to notification information as required by Env-Wm 702.02 (b), the fine shall be \$500 per event that caused the information to change.

(i) For failing to comply with error/discrepancy procedures in Env-Wm 703.02 if applicable, the fine shall be \$250 per manifest not corrected.

(j) For failing to submit an unmanifested waste report as specified in Env-Wm 703.05, the fine shall be \$250 per shipment accepted.

(k) For failing to keep the records specified in Env-Wm 705.01(b) for the time period specified, the fine shall be \$250 per type of record.

(l) For failing to submit quarterly reports if applicable as specified in Env-Wm 705.02, the fine shall be \$250 per quarterly report not submitted.

(m) For failing to submit an annual activity report as required by Env-Wm 705.03 if applicable, the fine shall be \$1,000.

(n) For failing to submit all the information required under Env-Wm 705.03(c) if required to file an annual activity report, the fine shall be \$250 per report.

[Source.](#) #7204, eff 2-24-00

Env-C 612.09 Fines Relating to Emergency and Remedial Action.

(a) For failing to immediately report a discharge of hazardous waste or material as required by Env-Wm 513.01(a), the fine shall be \$2,000 per discharge.

(b) For failing to clean up a hazardous waste discharge as required by Env-Wm 513.02(a), the fine shall be \$2,000 per discharge per calendar day or portion thereof that the discharge is not cleaned up.

(c) For failing to submit a written report if required by Env-Wm 513.02(b)(1), the fine shall be \$2,000 per event for which a report is required.

(d) For failing to implement the remedial measures as required by Env-Wm 513.02(b)(3), the fine shall be \$2,000 per calendar week or portion thereof the measures are not implemented.

[Source.](#) #7204, eff 2-24-00

Env-C 612.10 Fines Relating to Used Oil Requirements.

(a) For failing to label each container or tank of used oil for recycle with the words "Used Oil for Recycle" as required by Env-Wm 807.06(b)(2), the fine shall be:

(1) For each container that is 55 gallons or greater, \$100 per container;

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- (2) For each container that is less than 55 gallons, \$50 per container; and
- (3) For each tank, \$250 per container.

(b) For failing to seal each container or tank of used oil for recycle as required by Env-Wm 807.06(b)(3), the fine shall be:

- (1) For each container that is 55 gallons or greater, \$200 per container;
- (2) For each container that is more than 5 gallons but less than 55 gallons, \$100 per container;
- (3) For each container that is 5 gallons or less, \$50 per container; and
- (4) For each tank, \$500.

(c) For failing to conduct a used oil determination as required by Env-Wm 807.06(b)(4), the fine shall be \$750 per determination not made.

[Source.](#) #7204, eff 2-24-00

Env-C 612.11 Fines relating to Solid Waste Facilities and Activities. For violations relating to solid waste facilities and activities, the amount of the administrative fine shall be as follows:

(a) For operating a solid waste facility without a permit in violation of RSA 149-M:9, I, \$2,000 per calendar month or portion thereof;

(b) For transporting solid waste to or disposing of solid waste at any facility other than an authorized facility in violation of RSA 149-M:9, II, \$2,000 per 20 cubic yards or portion thereof transported or disposed, as applicable;

(c) For transferring a permit without prior written approval from the department in violation of RSA 149-M:9, XII, \$2,000 per transfer;

(d) For failing to comply with an order issued pursuant to RSA 149-M:15, \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with;

(e) For knowingly submitting false or misleading information relating to any application for a permit or waiver request, \$2,000 per submittal;

(f) For recklessly or negligently submitting false or misleading information relating to any application for a permit or waiver request, \$1,000 per submittal; and

(g) For failing to register a landfill which ceased receiving waste prior to July 10, 1981, in accordance with Env-Wm 309.03, \$500 per landfill not registered by the deadline specified in written notice from the department.

[Source.](#) #7204, eff 2-24-00

Env-C 612.12 Fines Related to Solid Waste Facility Construction. For violations relating to facility construction requirements, the amount of the administrative fine shall be as follows:

(a) For failing to obtain approval for design plans and specifications as required by Env-Wm 2804.01(a)(1), \$1,500;

(b) For failing to file a notice of intent to construct as required by Env-Wm 2804.01(a)(6), \$1,000;

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(c) For failing to post the approval to construct as required by Env-Wm 2804.03(b)(2), \$250 plus \$50 per calendar day or portion thereof that the notice is not posted after receiving written notification from the department that posting the notice is required;

(d) For implementing design changes in violation of Env-Wm 2804.05(a)(1), \$1,000 per unapproved change; and

(e) For failing to submit construction status reports as required by Env-Wm 2804.07(a), \$500 per report not filed.

Source. #7204, eff 2-24-00

Env-C 612.13 Fines Relating to Solid Waste Facility Operations. For violations relating to solid waste facility operations, the amount of the administrative fine shall be as follows:

(a) For failing to maintain an operating plan in accordance with Env-Wm 314.03(a)(7), Env-Wm 2805.01(a)(1), and Env-Wm 2805.11, \$750 per calendar month or portion thereof that the plan is not maintained;

(b) For failing to comply with the facility's operating plan as required by Env-Wm 2805.04, \$500 per instance of non-compliance;

(c) For failing to maintain fire control devices or systems at a facility in violation of Env-Wm 2104.03(a)(10), \$500 per device or system not maintained;

(d) For failing to maintain a first aid station for facility operators in violation of Env-Wm 2104.03(a)(13), \$500 per station not maintained;

(e) For failing to maintain emergency communication equipment for facility operators in violation of Env-Wm 2104.03(a)(14), \$500 per piece of equipment not maintained;

(f) For failing to protect the market value of recyclables from weather as required by Env-Wm 2104.04(b), \$500 per type of recyclable per storage area;

(g) For failing to maintain a metal stockpile free of plastic, wood, and other non-metal debris as required by Env-Wm 2105.02(e), \$500 per stockpile per calendar month or portion thereof that non-metal debris is mixed into the stockpile;

(h) For composting and/or receiving prohibited materials at a composting facility in violation of Env-Wm 2305.02(e), \$1,500 per 20 cubic yards or portion thereof of prohibited materials;

(i) For failing to conduct QA/QC requirements for compost if required by Env-Wm 2305.03, \$1,500 per set of analyses not performed per monitoring period;

(j) For failing to operate a facility within the capacity limits specified in the facility permit Env-Wm 2705.01(a), \$1,500 per calendar month or portion thereof the limits are exceeded;

(k) For failing to operate a facility in accordance with Env-Wm 2705.01(d) relative to controlling the factors listed in Env-Wm 2705.01(d)(1)-(11), including dust, litter, noise, and odors:

(1) For the first violation, \$300 per calendar week or portion thereof; and

(2) For each subsequent violation, increasing by \$200 to a maximum of \$2,000 per calendar week or portion thereof;

(l) For failing to repair or correct an operating problem as required by Env-Wm 2705.01(f), \$500 per calendar month or portion thereof that the problem is not corrected;

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- (m) For failing to secure by locked gates or the equivalent all lawful access points to the facility during times when the facility operator is not present as required by Env-Wm 2803.03(c), \$500 per calendar week or portion thereof;
- (n) For failing to have a site safety and contingency plan for the removal or relocation of waste as required by Env-Wm 2804.04(f), \$1,500 per calendar month or portion thereof;
- (o) For failing to file a notice of intent to operate as required by Env-Wm 2805.01(a)(6), \$1,000;
- (p) For failing to post facility information as required by Env-Wm 2805.05(a) and (b), \$150 per calendar month or portion thereof that the information is not posted;
- (q) For failing to maintain the approved operating and closure plan at the facility as required by Env-Wm 2805.05(c), \$100 per calendar month or portion thereof that the plan is not available;
- (r) For failing to display the facility permit as required by Env-Wm 2805.05(d), \$100 per calendar month or portion thereof that the permit is not displayed;
- (s) For failing to display current operator certifications as required by Env-Wm 2805.05(e), \$100 per calendar month or portion thereof that the permit is not displayed;
- (t) For failing to compile and maintain records at the facility which document all phases of facility operations as required by Env-Wm 2805.06(a), \$250 per calendar month or portion thereof for which the records are not available;
- (u) For operating outside the hours of operation specified in Env-Wm 2805.08, \$500 per calendar day the correct hours are not observed; and
- (v) For accepting waste not authorized by the facility permit in violation of Env-Wm 2805.09(a), \$2,000 per shipment accepted.

[Source.](#) #7204, eff 2-24-00

Env-C 612.14 Fines Relating to Solid Waste Landfills. For violations relating to solid waste landfills, the amount of the administrative fine shall be as follows:

- (a) For failing to manage storm water that contacts waste as leachate unless analytical characterization demonstrates the liquid may be lawfully discharged to ground or surface waters without treatment as required by Env-Wm 2505.09(h), \$2,000 per calendar month or portion thereof that storm water is not properly managed;
- (b) For failing to place waste only within the permitted vertical and lateral limits of the landfill as required by Env-Wm 2506.02(b), \$2,000 per calendar month or portion thereof that waste remains outside of permitted limits;
- (c) For failing to confine the unloading of waste to the smallest practical area as required by Env-Wm 2506.02(e), \$500 per calendar day unloaded;
- (d) For failing to apply cover material over all sides and working faces of the landfill in a manner and at a frequency required to achieve the performance objectives of Env-Wm 2506.03(a), \$500 per calendar day or portion thereof that the performance objectives are not met;
- (e) For using materials as cover for a landfill in violation of Env-Wm 2506.03(b), \$500 per load of unapproved material used;
- (f) For failing to pump and remove leachate on a schedule that assures available storage capacity as required by Env-Wm 2506.05(d), \$2,000 per pumping event not done;

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(g) For failing to monitor landfill gas in accordance with the requirements of Env-Wm 2506.07, \$1,000 per requirement not met; and

(h) For failing to measure landfill gas concentrations as required by Env-Wm 2506.08(e), \$1,000 per monitoring period in which concentrations are not measured.

[Source.](#) #7204, eff 2-24-00

Env-C 612.15 Fines Related to Management of Certain Wastes. For violations relating to management of certain wastes, the amount of the administrative fine shall be as follows:

(a) The fine shall be calculated in accordance with Env-C 610 for:

(1) Failing to properly manage asbestos in accordance with Env-Wm 2601;

(2) Failing to properly manage ash in accordance with Env-Wm 2602;

(3) Failing to properly manage contaminated soil/media in accordance with Env-Wm 2603; and

(4) Failing to properly manage tires in accordance with Env-Wm 2605; and

(b) For failing to properly manage infectious waste in accordance with Env-Wm 2604, the fine shall be \$2,000 per requirement not met.

[Source.](#) #7204, eff 2-24-00

Env-C 612.16 Fines Related to Solid Waste Operator Certification. For violations relating to operator certification requirements, the amount of the administrative fine shall be as follows:

(a) For failing to staff a facility with qualified personnel as specified in Env-Wm 2705.07, \$1,000 per calendar month or portion thereof that the facility is operated without qualified personnel;

(b) For failing to provide at least one supervisor who is certified as a level III or level IV operator for every one to 5 operators as required by Env-Wm 2705.07(b)(2), \$1,000 per calendar month or portion thereof that the ratio is not met;

(c) For failing to provide during the hours of operation, at least 50% of the onsite personnel directly involved with the management of solid waste as certified solid waste operators as required by Env-Wm 2705.07(b)(3), \$500 per calendar month or portion thereof that the percentage is not met; and

(d) For operating a facility without operator certification in violation of RSA 149-M:9, VI, \$2,000 per calendar month or portion thereof that an uncertified individual operates the facility.

[Source.](#) #7204, eff 2-24-00

Env-C 612.17 Fines Related to Solid Waste Financial Assurance Requirements. For violations relating to financial assurance requirements, the amount of the administrative fine shall be as follows:

(a) For failing to provide adequate financial assurance for a facility in accordance with Env-Wm 2705.08(b), \$2,000 per calendar month or portion thereof that the financial assurance is not in place; and

(b) For failing to provide an approved financial assurance plan in accordance with Env-Wm 3103.01(a), \$2,000 per calendar month or portion thereof the facility operates without a plan in place.

[Source.](#) #7204, eff 2-24-00

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Env-C 612.18 Fines Related to Solid Waste Reporting and Notification. For violations relating to reporting and notification requirements, the amount of the administrative fine shall be as follows:

- (a) For failing to file a quarterly solid waste report as required by Env-Wm 2506.08(g), \$500 per calendar month or portion thereof the report is late;
- (b) For failing to file a complete quarterly solid waste report as required by Env-Wm 2506.08(g), \$200 per calendar month or portion thereof the report is incomplete;
- (c) For failing to notify the department of an incident identified in Env-Wm 2705.09(a) in accordance with Env-Wm 2705.09(b), \$1,000 per incident not reported;
- (d) For failing to file a report of an incident identified in Env-Wm 2705.09(a) in accordance with Env-Wm 2705.09(c), \$500 per incident for which a report is not filed;
- (e) For failing to report a complaint as required by Env-Wm 2705.09(d), \$500 per complaint;
- (f) For failing to maintain records of out-of-state waste as required by Env-Wm 2705.10, \$250 per delivery;
- (g) For failing to file an annual facility report as required by Env-Wm 2805.07(b), \$500 per 3-calendar-month period or portion thereof that the report is late after the deadline specified in written notice from the department that the report is required;
- (h) For failing to file a complete annual facility report as required by Env-Wm 2805.07(b), \$200 per 3-calendar-month period or portion thereof that the report is incomplete after the deadline specified in written notice from the department identifying the information needed to complete the report; and
- (i) For failing to report all changes in operational and ownership control as required by Env-Wm 2805.07(c), \$500 per unreported change.

[Source.](#) #7204, eff 2-24-00

Env-C 612.19 Fines Related to Solid Waste Facility Closure. For violations relating to facility closure requirements, the amount of the administrative fine shall be as follows:

- (a) For failing to implement closure of facility after abandonment as required by Env-Wm 2706.01(b), \$500 per calendar month or portion thereof that closure is not complete;
- (b) For failing to conduct post-closure monitoring and maintenance in accordance with the plan submitted pursuant to Env-Wm 2507.05(e), \$500 per plan element not complied with; and
- (c) For failing to file a notice of intent to close as required by Env-Wm 2806.01, \$300.

[Source.](#) #7204, eff 2-24-00

Env-C 612.20 Fines Relating to Toxics in Packaging.

- (a) For selling or using as a promotional item in New Hampshire any packaging or packaging component in violation of RSA 149-M:34, I, the fine shall be \$2,000 per package or packaging component, as applicable.
- (b) For selling or using as a promotional item in New Hampshire any product in violation of RSA 149-M:34, II, the fine shall be \$250 per product.
- (c) For selling or using as promotional item in New Hampshire any packaging or packaging component that contains incidental amounts of lead, cadmium, mercury, or hexavalent chromium

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exceeding the limits as specified in RSA 149-M:34, III, the fine shall be \$1,000 per package or packaging component, as applicable.

(d) For submitting false or misleading information relating to ongoing and future efforts to achieve compliance through feasible alternatives to using the identified heavy metals for packaging or packaging components for which an exemption is claimed under RSA 149-M:35, the fine shall be \$2,000 per submittal.

(e) For failure to file a petition for exemption for packaging or packaging components that require an exemption as specified in Env-Wm 3502.01(a), the fine shall be \$1,000 per petition not filed.

(f) For submitting false or misleading information pertaining to date of manufacture or other information necessary to compliance with the conditions for exemption pursuant to RSA 149-M:35, the fine shall be \$2,000 per submittal.

(g) For failure to comply with any condition in any exemption from RSA 149-M:34 granted by the department, the fine shall be \$1,000 per condition per instance of non-compliance.

(h) For failure to file a petition for renewal of exemption or discontinue production or use of packaging or packaging component as specified in Env-Wm 3503.01, the fine shall be \$1,000 per calendar month or portion thereof that the package or packaging component, as applicable, is produced after expiration of the exemption.

(i) For failure to apply for renewal of exemption 90 days prior to the expiration date of the exemption as specified in Env-Wm 3503.01, the fine shall be \$2,000 per calendar month or portion thereof that the package or packaging component, as applicable, is produced after expiration of the exemption.

(j) For submitting false or misleading information pertaining to a petition for renewal of exemption from RSA 149-M:34, the fine shall be \$2,000 per submittal.

(k) For failure of the manufacturer or supplier to prepare and furnish to the purchaser a certificate of compliance as specified in Env-Wm 3504.02(b), the fine shall be \$250 per certificate not provided.

(l) For failure to send a certificate of compliance to anyone making a request as required by RSA 149-M:39, the fine shall be \$500 per certificate not provided.

(m) For submitting false or misleading information on a certificate of compliance as specified in Env-Wm 3504.02(b), the fine shall be \$2,000 per certificate.

(n) For failure to comply with any order issued pursuant to with RSA 149-M:38, I, the fine shall be \$2,000 calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with.

[Source.](#) #7204, eff 2-24-00

PART Env-C 613 FINES RELATING TO DAM SAFETY

Statutory Authority: RSA 482:79-a, I; RSA 482:89, II

Env-C 613.01 Definitions. For any term used in this part which is defined in RSA 482 or Env-Wr 100 - 700, the definition stated therein shall apply to these rules.

[Source.](#) #7204, eff 2-24-00

Env-C 613.02 Schedule of Administrative Fines.

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(a) For failing to comply with a directive of the department issued pursuant to RSA 482:4 to release or withhold water, the fine shall be \$2,000 per directive not complied with.

(b) For failing to submit the information required by RSA 482:5, I, the fine shall be:

- (1) For a Class AA dam, \$500;
- (2) For a Class A dam, \$1,000;
- (3) For a Class B dam, \$2,000; and
- (4) For a Class C dam, \$2,000.

(c) For failing to submit the fee required by RSA 482:5, II, the fine shall be twice the applicable fee, to a maximum of \$2,000.

(d) For constructing or reconstructing a dam or increasing the height of any existing dam without a permit in violation of RSA 482:7, RSA 482:9, or RSA 482:29, the fine shall be as follows:

- (1) For a Class AA dam, \$500;
- (2) For a Class A dam, \$1,000;
- (3) For a Class B dam, \$2,000; and
- (4) For a Class C dam, \$2,000.

(e) For failing to submit annual registration fees required by RSA 482:8-a following a second notice pursuant to Env-Wr 301.04, the fine shall be \$100 per calendar month or portion thereof that the registration fee is late.

(f) For failing to comply with RSA 482:9, I - III when constructing or reconstructing a dam, the fines shall be as follows:

- (1) For a Class AA dam, \$500;
- (2) For a Class A dam, \$1,000;
- (3) For a Class B dam, \$2,000; and
- (4) For a Class C dam, \$2,000.

(g) For failing to submit the classification fee required by RSA 482:9, IV, the fine shall be twice the applicable fee, to a maximum of \$2,000.

(h) For violating RSA 482:11-a by failing to maintain a dam so that it does not become a dam in disrepair, the fine shall be:

- (1) For a Class AA dam, \$500;
- (2) For a Class A dam, \$1,000;
- (3) For a Class B dam, \$2,000; and
- (4) For a Class C dam, \$2,000.

(i) For failing to comply with an administrative order issued pursuant to RSA 482:11 or 12, the fine shall be \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with.

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(j) For failing to submit an emergency action plan if required pursuant to RSA 482:12, the fine shall be \$2,000 per calendar month or portion thereof that the plan is not submitted after the deadline for submitting the plan as specified in writing by the department.

(k) For failing to comply with a directive of the department under RSA 482:79 regarding the management of a dam and water level, the fines shall be as follows:

- (1) For a first offense, \$500 per directive not complied with;
- (2) For a second offense, \$1,000 per directive not complied with; and
- (3) For a third offense and thereafter, \$2,000 per directive not complied with.

[Source.](#) #7204, eff 2-24-00

PART Env-C 614 FINES RELATING TO WETLANDS

Statutory Authority: RSA 482-A:11, I and RSA 482-A:13

Env-C 614.01 Definitions. For any term used in this part that is defined in RSA 482-A or Wt 100-700, the definition stated therein shall apply to these rules.

[Source.](#) #7204, eff 2-24-00

Env-C 614.02 Class I Violations. For the following class I violations not otherwise classified as major or minor impact based upon the resource area or project type, the amount of the administrative fine shall be \$500:

- (a) Unauthorized dredge, removal, or excavation that involves:
 - (1) A total impact of 3,000 square feet or less in a non-tidal swamp or wet meadow that does not involve draining of wetland for lot development, with disturbance to no more than 5 percent of the area of impacted wetlands; or
 - (2) A total impact of 1,000 square feet or less in nonpublic surface waters, including marshes that does not involve fill for lot development;
- (b) Unauthorized fill that involves:
 - (1) A total impact of 3,000 square feet or less in a non-tidal swamp or wet meadow that does not involve fill for lot development, with disturbance no more than 5 percent of the area of impacted wetlands; or
 - (2) A total impact of 10,000 square feet or less in previously developed upland of a tidal buffer zone at least 50 feet from a tidal marsh;
- (c) Unauthorized fill of 50 linear feet or less of areas to the shoreline or bank along the surface waters, calculated as follows:
 - (1) For intermittent streams the distance shall be measured along the thread of the channel; and
 - (2) For perennial streams or rivers, the total disturbance shall be determined by summing the lengths of disturbances to the channel and the banks;
- (d) Unauthorized construction or modification of a seasonal pier, wharf, or other similar docking structure listed under Wt 402, with 2 or less slips, including pre-existing slips;

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(e) Unauthorized construction or modification of a seasonal canopy listed under Wt 402, covering a maximum area of 300 square feet;

(f) Unauthorized repair or replacement of a nontidal retaining wall or other shoreline protection structure involving no change in height, length, location, or configuration, and maximum refacing of 6 inches in thickness; and

(g) Any other unauthorized project that:

(1) Does not exceed the criteria in (a) through (f), above; and

(2) Qualifies as minimum impact under Wt 101.50 and Wt 303.04.

[Source.](#) #7204, eff 2-24-00

Env-C 614.03 Class II Violations. For the following class II violations not otherwise classified as major impact based upon the resource area or project type, the amount of the administrative fine shall be \$1,000:

(a) Unauthorized dredge, removal, or excavation that involves:

(1) A total impact of 12,000 square feet or less in a non-tidal swamp or wet meadow that exceeds the criteria for a class I violation and does not involve draining of the wetland for lot development; or

(2) A total impact of 1,000 square feet or less provided the material removed is rocks or roadside sand or sediment as maintenance dredge performed with hand tools in a surface water and is done during low flow and causes no turbidity to the water; or

(3) A total impact of 20,000 square feet or less in previously developed upland of a tidal buffer zone at least 50 feet from a tidal marsh;

(b) Unauthorized fill that involves:

(1) A total impact of 12,000 square feet or less in a non-tidal swamp or wet meadow that exceeds the criteria for a class I violation and does not involve fill for lot development; or

(2) A total impact of 1,000 square feet or less in nonpublic surface waters, including marshes that does not involve fill for lot development; or

(3) A total impact of 20,000 square feet or less in previously developed upland of a tidal buffer zone at least 50 feet from a tidal marsh;

(c) Unauthorized alteration or disturbance of less than 100 linear feet of shoreline or bank along surface waters, not otherwise classified as major impact based upon the resource area or project type, calculated as follows:

(1) For intermittent streams the distance shall be measured along the thread of the channel; and

(2) For perennial streams or rivers, the total disturbance shall be determined by summing the lengths of disturbances to the channel and the banks;

(d) Unauthorized construction or modification of a pier, wharf, or other similar docking structure listed under Wt 402, provided:

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- (1) For permanent structures, the structure contains no more than 2 slips, including previously existing slips; and
 - (2) For seasonal structures, the structure contains 3 or 4 slips, including previously existing slips;
- (e) Unauthorized construction or modification of a seasonal canopy listed under Wt 402, covering a maximum area of more than 300 and less than 600 square feet;
- (f) Unauthorized construction or modification of a nontidal retaining wall or other shoreline protection structure involving no change in height, length, location, or configuration, and maximum refacing of 6 inches in thickness; and
- (g) Any other unauthorized project that:
- (1) Does not exceed the criteria in (a) through (f), above; and
 - (2) Qualifies as minor impact under Wt 101.51 and Wt 303.03.

[Source.](#) #7204, eff 2-24-00

Env-C 614.04 Class III Violations. For the following class III violations, the amount of the administrative fine shall be \$1,500:

- (a) Unauthorized dredge, removal, or excavation that involves:
- (1) A total impact of more than 12,000 and less than 20,000 square feet in a nontidal swamp or wet meadow that does not involve draining of wetlands for lot development; or
 - (2) A total impact of more than 20,000 square feet in previously developed upland of a tidal buffer zone within 50 feet of a tidal marsh;
- (b) Unauthorized fill that involves:
- (1) A total impact of more than 12,000 and less than 20,000 square feet in a non-tidal swamp or wet meadow that does not involve fill for lot development; or
 - (2) A total impact of more than 1,000 and less than 5,000 square feet in non-public surface water, including marshes that does not involve fill for lot development;
- (c) Unauthorized alteration or disturbance of between 100 and 200 linear feet of shoreline or bank along surface waters, not otherwise classified as major impact based upon the resource area or project type;
- (d) Unauthorized construction or modification of a permanent pier, wharf, or other similar docking structure listed under Wt 402, with a total of 3 or 4 slips, including previously existing slips;
- (e) Unauthorized repair or replacement of a nontidal retaining wall or other shoreline protection structure involving refacing of more than 6 inches in thickness; and
- (f) Any other unauthorized projects that:
- (1) Exceeds the criteria for class II violations;
 - (2) Does not exceed the criteria in (a) through (e), above; and
 - (3) Qualifies as minor impact under Wt 101.51 and Wt 303.03.

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[Source.](#) #7204, eff 2-24-00

Env-C 614.05 Class IV Violations. For the following class IV violations, the amount of the administrative fine shall be \$2,000:

- (a) Unauthorized dredge, removal, or excavation that involves:
 - (1) A total impact of 20,000 square feet or more in a swamp or wet meadow that exceeds the criteria for a class III violation;
 - (2) Any work, regardless of square foot amount, in undeveloped upland of a tidal buffer; tidal wetlands, flats, or waters; bogs; or in or adjacent to prime wetlands;
 - (3) Any work in public waters;
 - (4) Any work within the shoreline or in a designated river;
 - (5) Disturbance to a jurisdictional area that has been identified by the natural heritage inventory - department of resources and economic development as an exemplary natural community, or has documented occurrences of endangered or threatened wildlife under the Endangered Species Conservation Act pursuant to RSA 212-A or has documented occurrence species of special concern identified by the New Hampshire Fish and Game Department Nongame Wildlife Program; or
 - (6) Any dredge, removal, excavation, or building construction in wetlands for lot development;
- (b) Unauthorized fill that involves:
 - (1) A total impact of 20,000 square feet or more in a nontidal swamp or wet meadow that exceeds the criteria for a class III violation;
 - (2) Any fill or building construction in wetlands for lot development;
 - (3) Any work in undeveloped upland of a tidal buffer zone; tidal wetlands, flats, or waters; bogs; or in or adjacent to prime wetlands;
 - (4) Any fill in public waters or rivers;
 - (5) Any work within the shoreline or in a designated river; or
 - (6) Any work in a wetland, surface water, or shoreline that contains or is used as cover, nesting, or foraging by a threatened or endangered species as defined by federal or state law;
- (c) Unauthorized alteration or disturbance of more than 200 linear feet of surface waters measured along the shoreline or banks, calculated as follows:
 - (1) For intermittent streams the distance shall be measured along the thread of the channel; and
 - (2) For perennial streams or rivers, the total disturbance shall be determined by summing the lengths of disturbances to the channel and the banks;
- (d) Unauthorized construction or modification of a pier, wharf, or other similar docking structure listed under Wt 402, with more than 4 slips, including previously existing slips;
- (e) Unauthorized construction or modification of:

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- (1) A seasonal canopy approvable under Wt 402 covering a maximum area of more than 600 square feet; or
- (2) A permanent canopy or boathouse over the water;
- (f) Unauthorized construction or modification of a nontidal retaining wall or other shoreline protection structure involving change in height, length, location, or configuration, or involves refacing of more than 6 inches in thickness;
- (g) Unauthorized destruction, razing, defacing, reduction of, alteration of, or building upon sand dunes or removal of sand or vegetation from any sand dunes except for as provided by RSA 482-A:3, VII;
- (h) Failing to use or maintain appropriate siltation and erosion control devices for any construction project in or adjacent to surface waters or prime wetlands;
- (i) Any other unauthorized project that exceeds the criteria for class III violations;
- (j) Failing to comply with any requirement of a settlement agreement pertaining to a wetlands violation;
- (k) Failing to submit an application or comply with other conditions as specified on the wetlands bureau emergency authorization form per Wt 503.01;
- (l) Failing to install, use, or maintain appropriate siltation or erosion control devices, turbidity curtains, or booms for any construction project located in wetlands jurisdiction, resulting in water quality violations; or
- (m) Failing to comply with notification, filing, or other specific permit conditions that do not fall into any of the above-listed criteria.

[Source.](#) #7204, eff 2-24-00

Env-C 614.06 Extraordinary Violations. For the following extraordinary violations, the amount of the administrative fine shall be \$2,000, regardless of any other classification of the violation:

- (a) Misrepresenting facts material to issuance of a permit or waiver, or in connection with a violation;
- (b) Committing repeated violations on the same or different property or project;
- (c) Committing a violation following denial of a permit;
- (d) Failing to comply with any mitigation requirements such as restoring, creating, or enhancing wetlands or creating or conveying conservation easements;
- (e) Failing to comply with an order issued pursuant to RSA 482-A:6; and
- (f) Failing to comply with permit conditions or other requirements, which taken cumulatively constitute a complete disregard of applicable requirements, proper construction techniques, or best management practices.

[Source.](#) #7204, eff 2-24-00

Env-C 614.07 Violations Relating to Posting, Signing, and Recording Permits. For the following violations, the amount of the administrative fine shall be \$500:

- (a) Failing to post a permit as specified by RSA 482-A:12;

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- (b) Failing to sign a permit; and
- (c) Failing to record a permit or document with the registry of deeds.

[Source.](#) #7204, eff 2-24-00

Env-C 614.08 Multiple Violations. The commissioner shall assess separate fines against a party for unauthorized work performed on a given property for:

- (a) Unauthorized work consisting of multiple violations of RSA 482-A or Wt 100 - 700;
- (b) Unauthorized work impacting 2 or more distinct resource areas under the jurisdiction of the department, even if the resource areas are contiguous or hydrologically connected, for example marshes, swamps, bogs, rivers, streams, ponds, lakes, banks, upland tidal buffer zones, and sand dunes;
- (c) Unauthorized work carried out over a period of time, where each day's unauthorized work shall be a separate violation; or
- (d) Unauthorized work constituting violations of separate conditions of a permit, order, or approval.

[Source.](#) #7204, eff 2-24-00

PART Env-C 615 FINES RELATING TO ABOVEGROUND PETROLEUM STORAGE FACILITIES

Statutory Authority: RSA 146-A:15

Env-C 615.01 Definitions.

- (a) For any term used in this part which is defined in RSA 146-A or Env-Wm 1402, the definition stated therein shall apply to these rules.
- (b) For any aboveground storage facility that includes more than one aboveground storage system, each system shall be viewed independently of any other system at the facility for the purposes of determining violations.

[Source.](#) #7204, eff 2-24-00

Env-C 615.02 Fines Relating to AST Registration and Notification Requirements. For violations relating to petroleum aboveground storage tank (AST) system registration and notification requirements, the amount of the administrative fine shall be as follows:

- (a) For failing to comply with registration requirements specified in Env-Wm 1402.05, \$1,500 per requirement that is not met per system;
- (b) For failing to comply with registration requirements after a system has changed use as specified in Env-Wm 1402.06, \$1,500 per requirement that is not met per system;
- (c) For failing to comply with registration requirements when a system is taken out of service as specified in Env-Wm 1402.06 and Env-Wm 1402.12, \$500 per requirement that is not met per system;
- (d) For failing to comply with registration requirements when a system is removed or dismantled as specified in Env-Wm 1402.14, \$500 per requirement that is not met per system; and
- (e) For failing to comply with registration requirements when a transfer of ownership of a facility occurs as specified in Env-Wm 1402.07, \$500 per requirement that is not met per facility.

[Source.](#) #7204, eff 2-24-00; ss by #7296, eff 5-25-00

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Env-C 615.03 Fines Relating to AST Installation/Construction Requirements. For violations relating to AST installation/construction requirements, the amount of the administrative fine shall be as follows:

(a) For failing to obtain approval for the construction or installation of a new or replacement AST system in violation of Env-Wm 1402.17, \$2,000 per system;

(b) For failing to install a new or replacement AST system in accordance with the approved plans or specifications pursuant to all of the requirements of Env-Wm 1402.17, \$500 per requirement that is not met per system;

(c) For failing to meet the tank standards specified in Env-Wm 1402.18 or Env-Wm 1402.26 for new AST systems, \$500 for each standard that is not met per tank;

(d) For failing to comply with all the standards for new piping on AST systems specified in Env-Wm 1402.19, \$500 for each new piping standard that is not met per system;

(e) For failing to install corrosion protection for piping and/or new steel ASTs in accordance with all requirements of Env-Wm 1402.20, \$500 for each element relating to corrosion protection that is not met per system;

(f) For failing to provide secondary containment for a new AST system as required by Env-Wm 1402.21, \$2,000 per AST system that does not have secondary containment;

(g) For failing to install new secondary containment in accordance with all requirements contained in Env-Wm 1402.21, \$1,000 per secondary containment element that is not provided per system;

(h) For failing to install secondary containment on new piping in accordance with all requirements in Env-Wm 1402.22, \$1,000 per AST system for which secondary containment is not provided for piping as required;

(i) For failing to install an oil transfer pump in accordance with Env-Wm 1402.23, \$1,000 per petroleum transfer pump not installed as required;

(j) For failing to install overfill protection devices in accordance with all requirements in Env-Wm 1402.24 and Env-Wm 1402.35, as applicable, \$1,500 per standard that is not met per device required;

(k) For failing to install interstitial leak monitoring on new AST systems in accordance with all requirements in Env-Wm 1402.25, \$1,000 per AST system component for which interstitial leak monitoring is required but not provided;

(l) For failing to install an oil transfer area for a new AST system in accordance with all requirements in Env-Wm 1402.27, \$1,000 per AST system for which oil could be transferred to or from; and

(m) For failing to install a release detection system(s) on a new AST system in accordance with all requirements in Env-Wm 1402.28, \$1,000 per AST system for which release detection is not installed as required.

Source. #7204, eff 2-24-00

Env-C 615.04 Fines Relating to AST Operation Requirements. For violation relating to AST operation requirements, the amount of the administrative fine shall be as follows:

(a) For failing to conduct inventory monitoring in accordance with Env-Wm 1402.09, \$500 for each calendar month or portion thereof for which there is no record of inventory monitoring being performed;

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- (b) For failing to conduct a routine monthly inspection in accordance with Env-Wm 1402.29, \$200 for each calendar month for which there is no record of an inspection being performed;
- (c) For failing to take an AST system out of service in accordance with all the requirements in Env-Wm 1402.12, \$400 per requirement that is not met;
- (d) For failing to notify the department in accordance with Env-Wm 1402.11 when a discharge from an AST system is suspected or appears probable, \$1,000 per actual or suspected discharge;
- (e) For failing to test an AST system in accordance with Env-Wm 1402.11 when a discharge of oil from an AST system is suspected or appears probable, \$1,000 per actual or suspected discharge;
- (f) For failing to inspect and test an AST system in accordance with Env-Wm 1402.13 prior to reactivating an out of service tank, \$1,000 per requirement that is not met;
- (g) For failing to remove an abandoned AST system in accordance with Env-Wm 1402.14, \$2,000 per AST system that is not removed as required per 3-calendar-month period or portion thereof that the system is not removed after the deadline specified in writing by the department;
- (h) For failing to perform a site assessment following the removal of an AST system in accordance with Env-Wm 1402.15, \$2,000 per 3-calendar-month period or portion thereof that the site assessment is not completed after the deadline specified in writing by the department;
- (i) For using a tank designed for use as an underground storage tank as an AST in violation of Env-Wm 1402.16, \$2,000 per tank that continues to be used after being informed in writing by the department of the violation;
- (j) For reusing a tank for food product or potable water in violation of Env-Wm 1402.16, \$2,000 per calendar month or portion thereof the tank is used;
- (k) For installing a used AST system that has not been inspected in accordance with Env-Wm 1402.16 prior to installation, \$1,500 per AST system;
- (l) For failing to perform a detailed inspection in accordance with Env-Wm 1402.29, \$500 per requirement that is not met;
- (m) For failing to keep records associated with AST systems in accordance with Env-Wm 1402.34, \$200 per requirement that is not met;
- (n) For failing to manage storm water in accordance all requirements of Env-Wm 1402.33, except Env-Wm 1402.33(e), \$500 per requirement that is not met; and
- (o) For discharging storm water from a secondary containment area that is contaminated with oil without prior treatment as required by Env-Wm 1402.33(e), \$2,000 per discharge.

[Source.](#) #7204, eff 2-24-00

Env-C 615.05 Other Fines Relating to AST Requirements.

- (a) For any owner or operator of an AST facility who directly or indirectly causes the discharge or disposal of any oil as defined in RSA 146-A:2, III, in violation of RSA 146-A:3, the fine shall be \$2,000 per discharge or disposal, as applicable.
- (b) For failing to prepare and implement a spill prevention control and countermeasure plan in accordance with Env-Wm 1402.30, the fine shall be \$2,000 per 3-calendar-month period or portion thereof that the plan is not prepared or implemented, as applicable, after the deadline specified in writing by the department.

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(c) For failing to deliver to the buyer all documents and information related to the AST facility when transferring ownership pursuant to Env-Wm 1402.34, the fine shall be \$200.

(d) For failing to comply with an administrative order issued pursuant to RSA 146-A:16, the fine shall be \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with.

[Source.](#) #7204, eff 2-24-00

PART Env-C 616 FINES RELATING TO WATER WELL CONSTRUCTION AND WATER PUMP INSTALLATIONS

Env-C 616.01 Definitions.

(a) For any terms defined in RSA 482-B or We 100 through We 800, the definitions contained therein shall apply to these rules.

[Source.](#) #7204, eff 2-24-00

Env-C 616.02 Fines Relating to Licensing and Reporting. The amount of the administrative fine for violations of licensing and reporting requirements as specified in RSA 482-B:5 and We 800 shall be as follows:

(a) For constructing a well without a water well contractor license required under RSA 482-B:5, \$2,000;

(b) For hydrofracturing a well without a water well contractor license required under RSA 482-B:5, \$2,000;

(c) For sealing an abandoned well without a water well contractor license as required under RSA 482-B and We 604.02(b), \$2,000;

(d) For installing a water pump without a pump installer license required under RSA 482-B:5, \$2,000;

(e) For failing to submit a well completion report to the water well board within 90 days after completion of a well as required by RSA 482-B:10 and We 801, \$1 per day for each calendar day after 90 days following completion of the well up to \$100 per report; and

(f) For failing to display the license number or current license decals on each well drilling rig or other machine used to construct wells and each pump service truck as required by RSA 482-B:6, \$50 per rig or other machine used to construct wells or pump service truck, as applicable.

[Source.](#) #7204, eff 2-24-00

Env-C 616.03 Fines Relating to Water Well Construction, Maintenance and Abandonment. For violations of We 602 through We 604, the amount of the administrative fine shall be as follows:

(a) For failing to disinfect a well upon completion of construction as required by We 602.03, \$500;

(b) For locating a well within 75 feet from an owner-reported or a state-approved septic system leach field in violation of the provisions of We 602.05(b) and We 602.05(i):

(1) For the first well, \$500; and

(2) For additional wells within a 5-year period, \$2,000 per well;

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(c) For locating a well within 50 feet from an owner-reported or a state-approved septic tank in violation of the provisions of We 602.05(c) and We 602.05(i):

(1) For the first well, \$500; and

(2) For additional wells within a 5-year period, \$2,000 per well;

(d) For failing to use special methods of construction for wells located in non-conforming locations as required by We 602.05(i):

(1) For the first well, \$500; and

(2) For additional wells within a 5-year period, \$2,000 per well;

(e) For failing to seal the well casing to the bedrock in bedrock well construction as required by We 602.06(e)(3):

(1) For the first well, \$500; and

(2) For additional wells within a 5-year period, \$2,000 per well;

(f) For failing to extend the well casing a minimum of 8 inches above the ground surface at the time of installation as required by We 602.06(e)(1) and We 602.08(g)(1), \$200 per well;

(g) For failing to extend shallow well casings, in wells constructed by excavation, a minimum of 18 inches above the ground surface at the time of installation as required by We 602.07(f)(1), \$200 per well;

(h) For failing to install well casing as required by We 602.06(f)(1) through We 602.06(f)(5), \$500 per requirement not met;

(i) For failing to fill the void area outside the casing of a bedrock well as required by We 602.06(f)(6), \$200 per well;

(j) For failing to inject water when air rotary drilling in bedrock as required by We 602.06(g), \$500 per well;

(k) For failing to fill the void area outside the casing of a gravel well as required by We 602.08(g)(5), \$200 per well;

(l) For failing to disinfect non-potable injection water for hydrofracturing as required by We 602.11(b)(3), \$1,000 per hydrofracturing event;

(m) For burying an unused or abandoned well below the ground surface which has not been sealed as required by We 603.01(a), We 603.02 and We 603.04, \$1,000 per well;

(n) For abandoning an unused shallow well, constructed by excavation, below the ground surface which has not been filled and sealed as required by We 603.01(a), We 603.02 and We 603.04, \$500 per well;

(o) For failing to use required materials or failure to join well casing extensions as required by We 603.03(c), We 603.03(d), We 603.03(e) and We 603.03(f):

(1) For the first well, \$500; and

(2) For additional wells within a 5-year period, \$2,000 per well; and

(p) For failing to provide a water tight seal for well casing extensions as required by We 603.03(b):

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- (1) For the first well, \$500; and
- (2) For additional wells within a 5-year period, \$2,000 per well.

[Source.](#) #7204, eff 2-24-00

Env-C 616.04 Fines Relating to the Installation, Maintenance, Repair or Replacement of Well Pumps. For violations of We 702, the amount of the administrative fine shall be as follows:

- (a) For failing to disinfect a well upon installation of a new pump or reinstallation of an existing pump as required by We 702.02, \$500 per installation or reinstallation, as applicable;
- (b) For failing to encase the electrical wire with conduit outside the building from the well to the inside of the foundation wall as required by We 702.04(a) and We 702.04(b), \$200 per installation;
- (c) For failing to install the electrical wiring inside the building from the point of entry to the power source in accordance with the provisions of the current National Electrical Code adopted by the electricians licensing board as required by We 702.04(c), \$200 per installation;
- (d) For failing to secure the electrical wire to the drop pipe as required by We 702.04(g), \$200 per installation;
- (e) For failing to install an electric grounding wire, which is bonded to the well casing where steel casing is used, from the pump motor to the electric service entrance as required by We 702.04(h) and We 702.04(i), \$200 per installation;
- (f) For failing to install water supply service pipe outside the building from the well to the inside of the foundation wall with a working pressure greater than or equal to 160 pounds per square inch as required by We 702.05(f), \$200 per installation; and
- (g) For failing to install a torque arrestor on all nominal 6 inch or larger drilled well submersible pump installations in accordance with the provisions of We 702.05(l) and We 702.05(m), \$200 per installation.

[Source.](#) #7204, eff 2-24-00

Env-C 616.05 Other Fines Relating to RSA 482-B.

- (a) For failing to comply with an administrative order issued by the department for violation of RSA 482-B or We 100 - 800, the fine shall be \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the order for each provision of the order that is not complied with.

[Source.](#) #7204, eff 2-24-00

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APPENDIX

CROSS-REFERENCE TABLE:	
RULE NUMBER	STATUTE(s) IMPLEMENETED
Env-C 601	RSA 125-C:15, I-b; RSA 125-D:4; RSA 125-I:3-a; RSA 125-J:8, I-a; RSA 141-E:15-a, II; RSA 146-A:15; RSA 146-C:10-a; RSA 147-A:17-a; RSA 149-M:16; RSA 149-M:37, IV; RSA 482:79-a; RSA 482:89; RSA 482-A:13; RSA 482-B:16; RSA 483-B:17, V; RSA 485:58, IV; RSA 485-A:22,V; RSA 485-A:28; RSA 485-A:43,V; RSA 485-A:54,V; RSA 485-C:18; and RSA 487:7
Env-C 602	RSA 485:58, IV
Env-C 603	RSA 483-B:18, III(c); RSA 485-A:22, V; RSA 485-A:28, II
Env-C 603.10(a)-(e)	RSA 487:7, II(a); RSA 487:16-a
Env-C 603.10(f)	RSA 487:7, II(a); RSA 487:17, II(d)
Env-C 604	RSA 485-A:43, V
Env-C 605	RSA 485-A:54, V
Env-C 606	RSA 146-A:15
Env-C 607	RSA 146-C:10-a
Env-C 608	RSA 146-C:10-a; RSA 485-A:22, V, RSA 482-A:11, I and RSA 482-A:13
Env-C 609	RSA 485-C:18
Env-C 610	All statutes cited for Env-C 602 - 609 and 611 - 616
Env-C 611	RSA 483-B:18, III(c)
Env-C 612	RSA 147-A:17-a; RSA 149-M:16; RSA 149-M:38, VI
Env-C 613	RSA 482:79-a; RSA 482:89, II
Env-C 614	RSA 482-A:13
Env-C 615	RSA 146-A:15
Env-C 616	RSA 482-B:16, II